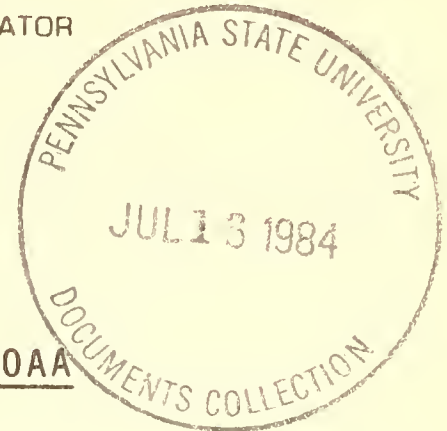




UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
Washington, D.C. 20230

OFFICE OF THE ADMINISTRATOR

September, 1982



LIST OF LEGISLATIVE AUTHORITIES FOR NOAA

This is a digest of the statutory authorities of the National Oceanic and Atmospheric Administration (NOAA), of the Department of Commerce. Each Office is indexed separately; however, the numbering system runs consecutively. The order is (1) Office of the Administrator (2) Assistant Administrator, Fisheries (National Marine Fisheries Service); (3) Assistant Administrator, Coastal Zone Management; (4) Assistant Administrator, Research and Development; (5) Assistant Administrator, Oceanic and Atmospheric Services (Environmental Data and Information Service, National Ocean Survey, and the National Weather Service); and (6) Assistant Administrator, National Earth Satellite Service.

This document is intended for use as a general information source. It should not be used for legal reference. Any legal interpretation should be drawn directly from the statutes involved.


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Office of the Administrator

National Climate Program Act

15 U.S.C. 2901

The Act of September 17, 1978, requires the President to establish a National Climate Program to assist the Nation and the world to understand and respond to natural and man-induced climate processes and their implications. The Secretary of Commerce is directed to establish a National Climate Program Office within the Department which will be the lead agency responsible for administering the Program. The Office must submit a preliminary 5-year plan setting forth the goals and priorities of the Program of the Congress for review and comment. After considering comments, the Office will forward a final 5-year plan to the President for promulgation within one year after enactment of this Act. Such plan is to be revised periodically.

The Act directs the Secretary to establish an advisory committee of users and producers of climate information and services and interagency groups, as necessary, to assist in carrying out responsibilities under the Act. Also, it directs the Secretary to cooperate with both domestic and international organizations involved in climate related programs.

Annually, each agency participating in the Program must submit its own budget request to the Office of Management and Budget (OMB) and OMB must review these requests as an integrated, coherent, multi-agency budget plan. OMB must prepare a unified, horizontal budget which shows how the budget requests of all the program elements relate to one another.

The Act directs the Secretary to establish an intergovernmental climate program, including grants, and to work with other appropriate mission agencies in conducting such program.

The Secretary is required to submit a report to the President and the Congress on the activities conducted under the Act.

92 Stat. 601	Public Law 95-367	Act of September 17, 1978
94 Stat. 3217	Public Law 96-547	Act of December 17, 1980

Report to Congress: January 30 (annually)

## Office of the Administrator

### National Ocean Pollution Planning Act

33 U.S.C. 1701

The Act of 1978 provides for the establishment of a comprehensive 5-year plan for Federal ocean pollution research and development and monitoring programs in order to provide planning for, coordination of, and dissemination of information with respect to such programs within the Federal Government.

The Act directs the Administrator of NOAA, in consultation with the Director of the Office of Science and Technology Policy, and other appropriate Federal officials, to submit to the Congress a comprehensive 5-year plan which shall include a detailed listing of all Federal programs relating to environmental research and development pertaining to marine pollution, general research on marine ecosystems, and research into the inputs, fates, and environmental effects of petroleum, sewage sludge, and other pollutants in the marine environment.

The Act requires the Administrator to carry out a comprehensive, coordinated, and effective ocean pollution research and development and monitoring program in a manner consistent with the Plan. The Administrator is directed to provide financial assistance in the form of grants or contracts for research and development and monitoring projects or activities. The projects and activities supported by grants or contracts made or entered into shall be administered through existing Federal programs.

The Administrator is directed to ensure that the results, findings, and information regarding ocean pollution research and development and monitoring programs conducted or sponsored by the Federal Government be disseminated in a timely manner, to relevant departments, agencies, and instrumentalities of the Federal Government, and to other persons having an interest in ocean pollution research and development.

The Act of May 30, 1980, amended section 4(a) to change the reporting date from February to September of the odd years. It also amends the title of the original Act to read "National Ocean Pollution Act".

Funds are authorized to NOAA at a level of \$3 million for FY 81 and \$4 million for FY 82.

92 Stat. 228

Public Law 95-273

Act of May 8, 1978

93 Stat. 34

Public Law 96-17

Act of June 4, 1979

94 Stat. 420

Public Law 96-255

Act of May 30, 1980

Report to Congress: February 15 (biennially)



## Office of the Administrator

### Deep Seabed Hard Mineral Resources Act

30 U.S.C. 1401 note.

The Act of June 28, 1980, establishes an interim domestic legal regime under which technology could be developed and exploration and recovery of hard mineral resources of the deep seabed could take place, pending adoption of a comprehensive Law of the Sea Treaty.

The Act establishes a system of licenses for exploration and permits for commercial recovery to be issued by the Administrator of NOAA. The Administrator shall issue regulations to implement the provisions of the Act, and the specific terms, conditions, and restrictions applied to the license or permit. The Act prohibits the issuance of licenses until July 1, 1981, and permits until January 1, 1988.

The Act requires the Administrator of NOAA to expand and accelerate the Deep Ocean Mining Environmental Study (DOMES) program of assessing the effects on the environment from exploration and commercial recovery activities. It also requires the Administrator to conduct a continuing program of ocean research to support environmental assessment activity. The Act establishes a "reciprocating states" system for recognition of licenses and permits issued by other nations which, through legislation, authorize and regulate deep seabed mining activities of their citizens. It creates the "Deep Seabed Hard Minerals Removal Tax Act of 1979", and establishes a Deep Seabed Revenue Sharing Trust Fund.

Under the Act, U.S. citizens who are engaged in exploration or commercial recovery before an international agreement enters into force, shall be able to continue their operations without the imposition of terms, conditions, and restrictions which would make continuation economically unviable.

The Act requires the Administrator to consult with any Regional Fishery Management Council, prior to the issuance, transfer, modification, or renewal of a license or permit, if such activities could adversely affect any fishery within the FCMA or anadromous species or Continental Shelf fishery resource.

The Act requires that any vessel used for the commercial recovery of hard mineral resources or for the processing at sea of hard mineral resources must be a vessel documented under the laws of the United States.

94 Stat. 533

Public Law 96-283

Act of June 28, 1980

Report to Congress: December 31 (biennially)

## Office of the Administrator

### Ocean Thermal Energy Conversion Research, Development, and Demonstration Act (OTEC)

42 U.S.C. 9001 note.

The Act of July 17, 1980, establishes a research, development, and demonstration program for OTEC facilities. The Act directs the Secretary of Energy, after consultation with the Administrators of NOAA, MARAD, NASA, and the heads of other Federal agencies and public and private organizations, to prepare a comprehensive program management plan for the conduct of research, development, and demonstration activities, and a market development plan that will make possible the commercial delivery of the ten thousand megawatts of electricity by year 1999.

The Act authorizes funds for FY 82 at a level of \$60 million for operating expenses, and \$25 million for OTEC demonstration plants.

### Ocean Thermal Energy Conversion Act of 1980

42 U.S.C. 9101 note.

The Act of August 3, 1980, establishes a licensing and regulatory system for OTEC facilities and plantships; establishes a legal regime for the development of OTEC as a commercial energy technology; and provides for the protection of the marine and coastal environment, and of the rights and responsibilities of adjacent coastal states with approved coastal zone management programs.

The Act authorizes the Administrator of NOAA to develop a program for the licensing of OTEC facilities and plantships. The Act also requires the Administrator to enforce the terms of the licenses and regulations, and conduct an environmental assessment program in conjunction with the licensing regime.

The Act amends title XI of the Merchant Marine Act, 1936, (46 U.S.C. 1271-1279b) to create a special sub-account in the Federal Ship Financing Fund, to be known as the OTEC Demonstration Fund, which shall be used for obligation guarantees. The Secretary of Commerce may guarantee or make a commitment to guarantee payment of the principal and interest on an obligation which aids in financing the construction, reconstruction, or reconditioning of a commercial demonstration OTEC facility or plantship owned by



citizens of the United States. Such obligations may be in an aggregate principal amount which does not exceed 87.5% of the actual cost or depreciated actual cost of the facility or plant-ship.

The Act authorizes funds at a level of \$3.5 million for FY 82 and FY 83 for licensing, and establishes an additional \$2 billion loan guarantee program to finance up to 87.5% of the cost of five pilot and demonstration plants.

94 Stat. 941  
94 Stat. 974

Public Law 96-310  
Public Law 96-320

Act of July 17, 1980  
Act of August 3, 1980

Report to Congress: (P.L. 96-320 -- March, 1983)

Office of the Administrator

National Advisory Committee on Oceans and Atmosphere Act (NACOA)

33 U.S.C. 857-12

The Act of August 16, 1971, established a committee to be known as the National Advisory Committee on Oceans and Atmosphere (NACOA), to undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, and to advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration. The Committee shall submit a comprehensive annual report to the President and the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities and may submit such other reports as may from time to time be requested by the President.

The Committee originally consisted of twenty-five Presidentially-appointed members drawn from state and local government, industry, science, and other appropriate areas, with observers from each department and agency of the Federal Government concerned with marine and atmospheric matters. The President shall designate one of the members to serve as the Chairman and one as the Vice Chairman. Members of the Committee shall, while serving on business of the Committee, be entitled to receive compensation at rates not to exceed \$100 per diem, including travel time.

The Act of August 5, 1975, amended sec. 4 of the Act to include the review of the progress of national ocean policy and coastal zone management. It also established a new committee to be composed of 18 Presidentially-appointed members selected for their knowledge and expertise in marine and atmospheric policy areas.

The Act of June 29, 1978, extended the term of each of the present NACOA members by one year.

85 Stat. 344	Public Law 92-125	Act of August 16, 1971
86 Stat. 1181	Public Law 92-567	Act of October 25, 1972
89 Stat. 394	Public Law 94-69	Act of August 5, 1975
91 Stat. 265	Public Law 95-63	Act of July 5, 1977
92 Stat. 347	Public Law 95-304	Act of June 29, 1978
93 Stat. 74	Public Law 96-26	Act of June 21, 1979

Reports to Congress: By June 30 of each year.

## Office of the Administrator

### Commissioned Corps

The United States Coast and Geodetic Survey, founded under the authority of the Act of 10 February 1807 (2 Stat. 413), regularly employed commissioned officers and personnel of the Armed Forces in carrying out its responsibilities in mapping and charting. The Act of 10 July 1932 (4 Stat. 570) provided, inter alia, for the employment of the vessels and personnel of the Navy Department on all hydrographic and oceanographic work. Additionally, commissioned officers of the Typographic Bureau of the War Department with qualified civilian special assistants were employed in typographic and geodetic surveys. In fact, at one time, one-third of all Naval officers on active duty had been assigned to the Coast Survey for varying parts of their careers.

As a result of the First World War, Congress passed the Act of May 22, 1917, (40 Stat. 87) to "temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes". This Act also provided for the appointment by and with the advice and consent of the Senate of the field officers of the Coast and Geodetic Survey as hydrographic and geodetic engineers and established a system of equivalent ranks with counterparts in the Army and the Navy.

Shortly after the passage of the Act of May 22, 1917, a set of joint regulations signed by the Secretaries of War, Navy, and Commerce, on August 27, 1917, specified the "duties to be performed by such of the personnel, vessels, equipment, and stations of the United States Coast and Geodetic Survey, by Executive Order of the President of the U.S. in accordance with the provisions of sec. 16, Act of May 22, 1917." On September 24, 1917, three Coast and Geodetic Survey vessels, along with 38 commissioned officers were transferred to the War Department. Other personnel and ships were also transferred to and from the services by Executive Orders 2782, 2861, 3028, 3029, and 3044.

At the end of World War I the officers and ships of the Coast and Geodetic Survey returned to their primary task of nautical charting. The Act of January 1, 1942, (56 Stat. 8) was passed to "regulate the distribution and promotion of Commissioned Officers of the Coast and Geodetic Survey and for other purposes." This Act dropped all mention of the term "relative rank" and established the percentage of officers in various grades from Ensign through Rear Admiral. Shortly after the passage of this Act, ships and 94 officers of the Coast and Geodetic Survey were transferred to the War and Navy Departments. Once again, at the end of World War II the ships and officers of the Coast and Geodetic Survey returned to their primary task of nautical charting.



Various legislation since the Act of January 19, 1942, has been passed to further define the status and entitlements of Coast and Geodetic Survey Commissioned Officers. These include the Act of July 26, 1947, (61 Stat. 501), the Act of March 29, 1944, (58 Stat. 130), the Act of October 14, 1966, (80 Stat. 907), and the Act of December 31, 1970, (84 Stat. 1863).

Pursuant to Presidential Reorganization Plan No. 2 of 1965, (59 Stat. 1318) the Commissioned Corps of the Coast and Geodetic Survey was transferred to the Environmental Science Services Administration (ESSA) and became the Commissioned Corps of ESSA. Later by virtue of Reorganization Plan No. 4 of 1970, the ESSA Corps became the Commissioned Corps of the National Oceanic and Atmospheric Administration.



Office of the Administrator

Commissioned Corps

The following provisions of 5 U.S.C. are applicable to officers of the NOAA Corps:

- Sec. 2901 - 2906 - Commissions and Oaths of Office.
- Sec. 3331 - 3333 - Oaths of Office, affidavits, loyalty.
- Sec. 3501 - 3504 - Retention, performance, restoration and employment
- Sec. 4104 - 4118 - Training.
- Sec. 4501 - Incentive Awards.
- Sec. 5501 - 5503; 5505; 5507 - 5509 - General provisions for pay administrations.
- Sec. 5512 - 5514 - Withholding pay for indebtedness.
- Sec. 5516 - 5517 - Withholding state income taxes.
- Sec. 5531 - 5533; 5534a; 5536 - Dual pay and dual employment.
- Sec. 5901 - 5903 - Uniform allowances.
- Sec. 5911 - Rental rates quarters and facilities.
- Sec. 5943 - Foreign currency appreciation allowances.
- Sec. 7311; 7313; 7321 - 7325; 7326 - Political activity.
- Sec. 7342 - Foreign gifts and decorations.
- Sec. 7903 - Protective clothing and equipment.
- Sec. 8301 - Uniform retirement data.
- Sec. 8311 - 8322 - Forfeiture of annuities and retired pay.
- Sec. 8501 - 8508 - Unemployment compensation.

The following provisions of title 10, U.S.C. are applicable to the NOAA Corps, either by assimilation or direct inclusion:

Sec. 701 - 704 - Leave (33 U.S.C. §857a(10)).

Sec. 716 - Transfer of officers between the Commissioned Corps of NOAA and the Armed Forces.

Sec. 802 - Applicability of UCMJ.

Sec. 1001 - Regulations relating to pay and allowances.

Sec. 1035 - Deposits of Savings (33 U.S.C. §857a(12)).

Sec. 1036 - Escorts for dependents (33 U.S.C. §857a(1)).

Sec. 1040 - Transportation of dependent patients.

Chap. 55 - Medical and Dental Care.

Sec. 1124 - Cash awards while serving with the Armed Forces.

Chap. 61 - Retirement or separation for physical disability (33 U.S.C. §857a(2)).

Chap. 69, except Sec. 1374, 1375 and 1376(a) - retired grade (33 U.S.C. §857a(3)).

Chap. 71 - Computation of retired pay (33 U.S.C. §587a(4)).

Chap. 73 - Annuities Based on Retired or Retainer Pay (33 U.S.C. §857a(5)).

Chap. 75 - Death Benefits (33 U.S.C. §857a(6)).

Sec. 2634 - Motor Vehicles for Members on change of permanent station (33 U.S.C. §857a(11)).

Sec. 2731 - 2732; 2735 - Property loss incident to service (33 U.S.C. §857a(8)).

Sec. 2771 - Final settlement of deceased members' accounts (33 U.S.C. §857a(7)).

Sec. 5571 & 6019 - Officers of vessels of the U.S. shall be citizens of the U.S. (R.S. 1428).

Sec. 7211 - Attendance at meetings of technical, professional, or scientific organizations.

Sec. 7571 - 7572 - Quarters or other accommodations.

Sec. 7576 - Quarters: extension phones.

Title 22, U.S.C.:

Sec. 267a - Same; appointment of delegates; compensation - authority to appoint officers of the U.S. Coast and Geodetic Survey to attend meetings of the International Geodetic Association.

Sec. 2396(a)(16) - Availability of funds - general expenditures (services of Coast and Geodetic Survey officers) - authority to provide services of C&GS officers not to exceed 20 for the purposes of international development, peace and security.

The following sections of title 33, U.S.C. are applicable to the NOAA Corps.

Sec. 851 - Authorized numbers of commissioned officers.

Sec. 853a - Authorized numbers in permanent rank.

Sec. 853b - Promotion to grade above LTJG.

Sec. 853c - Mandatory consideration for promotion to LT. & LCDR.

Sec. 853d - Mandatory consideration for promotion to CDR & CAPT.

Sec. 853e - Promotion of ensigns; separations.

Sec. 853f - Length of service for promotion.

Sec. 853g - Involuntary transfers to retired list & separations.

Sec. 853h - Lump sum payment upon involuntary separation.

Sec. 853i - Appointments and promotion made by the President.

Sec. 853j - Examinations for promotion.

Sec. 853j-1 Temporary appointments and promotions.

Sec. 853k - Retirement for age.

Sec. 853l - Retirement for length of service.

Sec. 853o - Computation of retired pay.

Sec. 853o-1 - Credit of service as deck officer and junior engineer.

Sec. 853p - Rank upon retirement.

Sec. 853q - Retired rank and pay pursuant to other laws not affected.

Sec. 853r - Personnel Board.

Sec. 853t - Original appointments.

Sec. 854 - Qualification for appointment or promotion.

Sec. 854a - Service credit as deck officer or junior engineer for promotion purposes.

Sec. 854a-1 - Temporary appointment or promotion in time of war or national emergency.

Sec. 854a-2 - Date of acceptance of promotion.

Sec. 855 - Cooperation with and transfer to DOD.

Sec. 856 - Relative rank when serving with the Armed Forces.

Sec. 857 - Service for purposes of servicemen's and veterans' benefit.

Sec. 857-1 - Definitions.

Sec. 857-2 - Retired grade, retired pay.

Sec. 857-3 - Service for purposes of certain rights, privileges, immunities and benefits.

Sec. 857-4 - Commissary and quartermaster supplies.

Sec. 857-5 - Service in C&GC and ESSA.

Sec. 857a - Assimilation of certain provisions of 10 U.S.C.

Sec. 858 - Rules when cooperating with the military departments.

Sec. 864 - Retirement generally.

Sec. 868 - Commissary and quartermaster supplies.

Sec. 874 - Transportation of deceased officer's effects.

Sec. 875 - Power of officers as notaries.

Sec. 876 - Fees for notarial acts.



All provisions of title 37, U.S.C. applicable to members of the uniformed services apply to the NOAA Corps. The following provisions mention the NOAA Corps by specific reference:

- Sec. 101(3) - Definitions.
- Sec. 201(a) - Pay grades.
- Sec. 205 - Creditable service for pay; and increase in basic pay and allowances.
- Sec. 403 - Basic allowance for quarters.
- Sec. 501 - Payments for unused accrued leave.
- Sec. 502 - Absences due to sickness, wounds, and certain other causes.
- Sec. 503 - Absence without leave or over-leave.
- Sec. 706 - Allotments and assignments of pay.
- Sec. 801 - Restrictions on payment to certain officers.
- Sec. 1001 - Regulations relating to pay and allowances.

Title 43, U.S.C.:

- Sec. 208(e) - Underwater Diving Techniques and Safety.
- Sec. 253 - Medical services by PHS.

Title 50, U.S.C.:

- Sec. 552 - Persons subject to this chapter (Article II) - (authority to subject personnel of the Coast and Geodetic Survey to the Uniform Code of Military Justice while such personnel are assigned to and serving with the Armed Forces of the United States).

Regulations governing cooperation of the National Oceanic and Atmospheric Administration with the Department of Defense concerning the commissioned corps are contained in the Memorandum of Understanding between the Department of Commerce and Department of Defense which was approved in November 1981.



## National Marine Fisheries Service

### Preface

In using this digest of the basic statutory authorities exercised by the National Marine Fisheries Service (NMFS) it should be understood that these laws, as printed in the Statutes at Large (Stat.) and in the United States Code (U.S.C.), are not literally accurate in the placement of the authorities in either the Secretary of Commerce or the Secretary of the Interior because of the historical organization changes that have taken place. There are instances in which the printed language of the statute places the authority in one Secretary but because of organizational changes, the other Secretary now has the responsibility. In some cases the responsibility is shared by both Secretaries. This digest lists those laws which contain some authority that is to be exercised by the Secretary of Commerce but does not attempt to describe the authority exercised by the Secretary of the Interior, if any.

A further complication in describing the current placement of responsibility is found in the fact that some older statutes placed the responsibility in a subordinate Departmental entity rather than the Secretary. For instance, some authority is shown to be in the Fish and Wildlife Service. Regardless of the specific language of those laws passed prior to May 24, 1950, the authority contained therein is now placed in the Secretary. On that date, Reorganization Plans Nos. 3 and 5 of 1950, transferred to the Secretary of the Interior and the Secretary of Commerce, respectively, all functions of all officers, agencies, and employees of their Departments. These two Reorganization Plans are reproduced as Exhibit A and Exhibit B at the end of this document.

As background for the users of this digest, it may be useful to review briefly the historical organizational changes referred to above.

By the Act of February 9, 1971, the Congress recognized the national aspect in the conservation of fisheries by authorizing appointment of a Commissioner of Fish and Fisheries to study the decrease of the food fishes of the seacoasts and lakes of the United States, and to suggest remedial measures. The Commissioner was to be appointed by the President, with the advice and consent of the Senate, from among the civil officers or employees of the Government and was to serve without additional salary (16 Stat. 594). The sum of \$5,000 was appropriated to carry out the required study, with the money to be expended under the direction of the Secretary of the Treasury (16 Stat. 503). (In the appropriation acts which followed there was no

reference to Treasury.) In 1988, the original Act was amended to authorize a salary of \$5,000 per year for the Commissioner of Fish and Fisheries and to require that he not hold any other office or employment under the authority of the United States or any state (25 Stat. 1).

The Fish Commission and the Office of the Commissioner of Fish and Fisheries functioned as an independent establishment of the Government from February 9, 1871, to July 1, 1903, when, by the Act of February 14, 1903 (32 Stat. 827), the Fish Commission and the Office of the Commissioner of Fish and Fisheries were placed in the Department of Commerce and Labor which was created by the latter Act. That same Act transferred from the Department of the Treasury to the Department of Commerce and Labor jurisdiction, supervision and control over the fur-seal, salmon and other fisheries of Alaska (32 Stat. 828). Thereafter, this entity was called the Bureau of Fisheries.

By the Act of March 4, 1915 (37 Stat. 736), the Department of Commerce and Labor was divided into two separate departments and the Bureau of Fisheries remained with the Department of Commerce until July 1, 1939, when the 1939 Reorganization Plan No. 11 (53 Stat. 1433) transferred the Bureau of Fisheries to the Department of the Interior. This plan also transferred to Interior from the Department of Agriculture the Bureau of Biological Survey.

The Bureau of Fisheries and the Bureau of Biological Survey, both in the Department of the Interior, were consolidated into one agency to be known as the Fish and Wildlife Service by the 1940 Reorganizational Plan No. III (54 Stat. 1232), which became effective June 30, 1940.

By the terms of the Fish and Wildlife Act of 1956, approved August 8, 1956 (70 Stat. 1119), there was established within the Department of the Interior to succeed the then existing Fish and Wildlife Service, the United States Fish and Wildlife Service consisting of two separate agencies, each with the status of a Federal Bureau, the Bureau of Commercial Fisheries and the Bureau of Sport Fisheries and Wildlife.

Effective October 9, 1970, Reorganization Plan No. 4 of 1970 (84 Stat. 2090) transferred to the Secretary of Commerce the functions vested by law in the Bureau of Commercial Fisheries, and the functions vested by law in the Secretary of the Interior or the Department of the Interior which were then administered through the Bureau of Commercial Fisheries. Four functions of the Bureau of Commercial Fisheries were excluded from the transfer:

- o Great Lakes fishery research and activities related to the Great Lakes Fisheries Commission;

- o Missouri River Reservoir research;
- o The Gulf Breeze Biological Laboratory at Gulf Breeze, Florida; and
- o Trans-Alaska pipeline investigations.

Also, transferred to the Secretary of Commerce by this Plan were the functions of Interior relating to migratory marine species of game fish as authorized by Public Law 86-359 (16 U.S.C. 760e-760g).

This Reorganization Plan is reproduced at the end of this document as Exhibit C. A Transfer of Functions Statement is set forth as Exhibit D.

Staff members reading the text of these laws in the United States Code should be aware of the fact that the changes made by the 1939 Reorganization Plan which transferred fish and wildlife from Commerce and Agriculture to Interior were reflected in the Code generally by editorial changes to substitute Secretary of the Interior for Secretary of Commerce or Secretary of Agriculture. The justification for the change was then made in a footnote citing the Reorganization Plan. The editors of the United States Code in the 1976 Edition, in most instances, have made references to Reorganization Plan #4 of 1970 either by footnote or by appropriate changes in the text.



## National Marine Fisheries Service

### Acquisition and Disposal of Surplus Fishery Products

15 U.S.C. 713c-2

15 U.S.C. 713c-3

7 U.S.C. 612c

16 U.S.C. 742e

23 F.R. 2304

The Act authorizes the Secretary of Agriculture to divert surplus domestic fishery products from the normal channels of trade and commerce by acquiring them and providing for their distribution through Federal, state, and private relief channels. By a Memorandum of Understanding signed by the Acting Secretary of the Interior on May 22, 1958, and by the Acting Secretary of Agriculture on July 1, 1958, in order to avoid uneconomical and duplicate activity in fishery products procurement and distribution, which could have occurred by reason of the transfer authorized by the Fish and Wildlife Act of 1956 (16 U.S.C. 742e), it was agreed the Department of the Interior (changed to the Department of Commerce by virtue of Reorganization Plan No. 4 of 1970) will request the Department of Agriculture to handle procurement and disposition of surplus fishery products for which a program of surplus products disposal is determined to be necessary. Such determination is to be made by the Secretary of Commerce who will then transfer the necessary funds to the Secretary of Agriculture to carry out the program. (Earlier provisions on the subject of acquisition and disposal of surplus fishery products may be found in 50 Stat. 27, 50 Stat. 61, and 52 Stat. 441.)

53 Stat. 1411

68 Stat. 376

70 Stat. 1124

79 Stat. 1311

Public Law 76-393

Public Law 83-466

Public Law 84-1024

Public Law 89-348

Act of August 11, 1939

Act of July 1, 1954

Act of August 8, 1956

Act of November 8, 1965

## National Marine Fisheries Service

### Agricultural Marketing Act of 1946

7 U.S.C. 1621-1627

The Act is designed to promote a scientific approach to the problems of marketing, transportation, and distribution of agricultural products, wherein agricultural products include fish and shellfish and any products thereof including processed and manufactured products. The Act requires a determination of methods of processing, packaging and marketing and their publication. Costs, improvement of standards of quality and condition, development of new markets, elimination of artificial barriers to free movement, and increasing consumer education are also called for in the Act.

In addition, the Act requires inspection and certification of products in interstate commerce, collection and dissemination of marketing statistics, development of procurement standards and specifications, and promotion of research for handling storage and preservation of products. Funding is provided the Secretary of Agriculture annually as deemed necessary by Congress.\*

When enacted in 1946, the statute made the grant of authority to the Secretary of Agriculture. On March 22, 1958 (23 F.R. 2304), the Director of the Bureau of the Budget (BOB) transferred all functions of the department of Agriculture which pertain to fish, shellfish and any products thereof (now performed under 7 U.S.C. 1621-1627), to the Department of the Interior, consistent with various provisions of the Fish and Wildlife Act of 1956 (16 U.S.C. 742e). The 1970 Reorganization Plan No. 4 subsequently transferred these functions to the Secretary of Commerce (NOAA/NMFS). The U.S. Code (1976) does not cite these changes in program responsibility.

\*In 1958, BOB (now OMB) transferred funds in the amount of \$5,000 from Department of Agriculture (.03% of the 1958 Marketing Services financing estimate) to DOI/Bureau of Commercial Fisheries. No funds are currently being made available to NOAA/NMFS under this authority. Also, see statement included herein with the discussion of the Fish and Wildlife Act of 1956.

60 Stat. 1087  
69 Stat. 553

P.L. 733, 79th C.  
P.L. 272, 84th C.

Act of August 14, 1946  
Act of August 9, 1955

National Marine Fisheries Service

Agricultural Trade Development and Assistance Act of 1954, as amended (sometimes known as Public Law 480)

7 U.S.C. 1704 (b)(3)

The Act authorizes the use of foreign currencies which accrue from the sales of surplus agricultural commodities for the conduct and support of scientific activities overseas and to collect, collate, translate, abstract, and disseminate scientific and technological information, and to promote and support programs of medical and scientific research, cultural and educational development, health, nutrition, and sanitation. The Act requires that there be specific appropriations for the use of such foreign currencies. The Bureau of Commercial Fisheries received its first appropriation under this authority in the budget for the fiscal year ending June 30, 1962. Funds have been made available to the National Marine Fisheries Service under this authority.

68 Stat. 456	Public Law 83-480	Act of July 10, 1954
72 Stat. 275	Public Law 85-477	Act of June 30, 1958
73 Stat. 258	Public Law 86-108	Act of July 28, 1959
73 Stat. 607	Public Law 86-341	Act of Sept. 21, 1959
80 Stat. 1529	Public Law 89-808	Act of Nov. 11, 1966



## National Marine Fisheries Service

### Alaska National Interest Lands Conservation Act

16 U.S.C. 3101

The Act provides for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park Service, National Wildlife Refuge, National Forest Service, and the National Wild and Scenic Rivers System. The Act expands 3 existing national parks and creates 10 new parks; establishes 9 new wildlife refuges and expands or redesignates 7 existing wildlife refuges; establishes a conservation area and a recreation area; and establishes a national forest monument where lumbering is prohibited, but mining is allowed provided it does not cause water pollution which would interfere with commercial fishing.

The Act directs the initiation of a comprehensive program for the purpose of assessing and evaluating oil and gas and hard rock mineral resources on Federal land. It requires the Secretary of Agriculture, in consultation with the Secretaries of Commerce and the Interior and the State of Alaska, to prepare a document which analyzes mine development; and the protection of fishery resources from damages from mining. It requires the Secretary of Agriculture to prepare an EIS covering a proposed activities on Forest Service lands.

The Act also requires the Secretary of Commerce be consulted in connection with the approval of any plan of operations when any fishery habitat or fishery value may be affected. It requires the Secretary of Agriculture to implement a cooperative planning process for the enhancement to fishery resources through fish hatchery and aquaculture facilities and activities. It requires the Secretaries of the Interior, Defense, and Energy to initiate and carry out a study of the mission, facilities and administration of the Naval Arctic Research Laboratory which shall address and obtain recommendations on the need for redirecting the United States Arctic research policy, and the role of the laboratory's facilities in developing and implementing that policy. The study is to assess the future use of the laboratory in, among other things, assessing the impact of oil and gas exploration, development, and transportation on the Arctic environment, including impact on fish, marine and land mammals, and migratory water fowl, and enlarging the body of

knowledge on Arctic ice conditions and developing practical and efficient means of dealing with potential oil spills and other hazards associated with resource development.

The Act also establishes the Alaska Land Use Council to be co-chaired by the Governor of Alaska and a person appointed by the President with the advice and consent of the Senate. The Council is to have 13 members, one of whom is to be from NOAA. The functions of the Council include the conduct of studies and provision of advice to the heads of Federal agencies with respect to on-going, planned and proposed land and resource uses in Alaska, and the providing of recommendations to appropriate Federal officials on a broad variety of matters including proposed regulations and management plans, the improvement of coordination and consultation between the state and Federal governments, orderly economic development and use of Federal lands within the State. It establishes the Federal Coordination Committee, whose major function is to coordinate those programs and functions of Federal agencies which could affect the administration of lands and resources in Alaska. The Chairman of the Federal Coordination Committee is the Federal Co-Chairman of the Alaska Land Use Council. The Committee has seven other members, of which the Administrator of NOAA is one.

The Act also provides for continued access by the Federal agencies to navigation, weather, climate and fisheries research and monitoring facilities, and for coordination with appropriate agency heads with respect to the establishment of new facilities.

## National Marine Fisheries Service

### American Fisheries Promotion Act

16 U.S.C. 1801 note.

The Act of December 22, 1980, combines two major pieces of legislation into a single law.

Title II of Act makes a number of amendments to the Saltonstall-Kennedy (S/K) Act relative to the availability and use of funds for fisheries research and development projects. It authorizes the Secretary of Commerce to appoint six U.S. fishery trade officers to promote U.S. fishing interests.

The Act amends Title XI of the Merchant Marine Act, 1936, to broaden its coverage to include fishery facilities on land as well as fishing vessels. The Secretary is also authorized to guarantee obligations for fishing vessels and fishery facilities used for underutilized fisheries.

In addition, the Act extends the Fisheries Loan Fund established under the Fish and Wildlife Act of 1956 until September 30, 1982 for the purpose of providing loans to fishermen to avoid defaults on obligations covering fishing vessels.

The Act also amends the Fishery Conservation and Management Act (FCMA) to provide for a means to reduce foreign fishing within the United States fishery conservation zone. It also revises the criteria upon which the Secretary of State and the Secretary of Commerce shall base determinations on the allocation of allowable levels of foreign fishing. The Act prescribes a higher level of fees to be assessed foreign nations desiring to fish within the fishery conservation zone and establishes a program for observer coverage of foreign fishing activities conducted within the fishery conservation zone. It changes the title of the FCMA to read, the "Magnuson Fishery Conservation and Management Act."

In addition, the Act makes a number of amendments to the Fishermen's Protective Act which, in part, extends the time within which an owner or operator of a fishing vessel who suffered damage to his vessel or gear could apply for compensation under section 10 of the Act. A similar extension is made to commercial fishermen who may have suffered damages as a result of oil and gas activities being conducted on the United States Outer Continental Shelf.



## National Marine Fisheries Service

### Anadromous Fish Conservation Act

16 U.S.C. 757a-757g

- The Act authorizes the Secretaries of Commerce and the Interior to enter into cooperative agreements with the states, jointly or severally, to conserve, develop, and enhance the anadromous fishery resources of the Nation that are subject to depletion from water resource developments or with respect to which the United States has made international conservation agreements. Similar agreements are authorized to conserve, develop, and enhance Great Lakes and Lake Champlain fish (added by the 1978 Act) that ascend streams to spawn. The Act of 1974 added control of the sea lamprey to the authority of the Secretary. The Federal share of the cost shall not exceed 50% except that whenever two or more states having a common interest in any basin jointly enter into a cooperative agreement for work authorized by the Act, the Federal share of the costs shall be increased to a maximum 66-2/3 percent (increased from 60 percent by the 1974 Act). Not more than \$1 million of any funds appropriated in any one fiscal year shall be obligated in any one state. The Secretary shall, on the basis on the studies carried out under the Act, make recommendations to the Secretary of Health, Education, and Welfare (HEW) concerning the elimination or reduction of pollutants detrimental to fish and wildlife in interstate or navigable waters. Such recommendations and enforcement measures initiated pursuant thereto by HEW shall be designed to enhance the quality of such waters and shall take into consideration all other legitimate users of such waters.\*

The Act of November 16, 1979 adds a new section 7 to provide for cooperative studies between the Departments of Commerce, and the Interior, states, and other non-Federal interests involving striped bass. The studies are to address such factors as the amount of geographical location of spawning of this species and investigate factors that are responsible for the decline in striped bass populations. Additional funding is authorized in addition to the basic authorization for the Act to carry out the striped bass studies, at a level of \$2 million for fiscal year 1982. The Act also directs that the aquarium to be built by the City of Baltimore, Maryland, shall be known as the "National Aquarium in Baltimore".

The Act extends the authorization of appropriations for both the Departments of Commerce, and the Interior at a level of \$15 million for fiscal year 1982, to carry out the anadromous fish conservation projects.



Report to Congress: Annually (concerning striped bass)

79 Stat. 1125	Public Law 89-304	Act of October 30, 1965
84 Stat. 214	Public Law 91-249	Act of May 14, 1970
88 Stat. 398	Public Law 93-362	Act of July 30, 1974
92 Stat. 1278	Public Law 95-464	Act of October 17, 1978
93 Stat. 859	Public Law 96-464	Act of November 16, 1979

\*The text of section 757(f) in the 1976 Edition of the U.S. Code continues the use of the term "Secretary of the Interior" but contains a Transfer of Functions statement re: Reorganization Plan No. 4 of 1970.

National Marine Fisheries Service

Antarctic Conservation Act of 1978

16. U.S.C. 2401 note.; 22 U.S.C. 1971 note.

This Act provides for the conservation and protection of designated species of bird, plants and mammals native to Antarctica. It directs the Director of the National Science Foundation to establish a permit and regulatory system to control the taking of plants and animals native to Antarctica, the introduction of nonnative species into Antarctica, the disposal of pollutants in Antarctica and the activities of U.S. citizens in certain areas of Antarctica. If the Director receives a permit application involving any native mammal which is a marine mammal within the meaning of the Marine Mammal Protection Act, any species which is an endangered or threatened species under the Endangered Species Act of 1973, or any native bird which is protected under the Migratory Bird Treaty Act, he shall submit a copy of the application to the Secretary of Commerce or to the Secretary of the Interior, as appropriate. If the appropriate Secretary determines that a permit should not be issued, the Director may not issue a permit under the Antarctic Conservation Act. If, however, the appropriate Secretary issues a permit with respect to that action under one of three laws, the Director retains the option of denying the permit under the Antarctic Conservation Act. The Director is authorized to modify, suspend, or revoke a permit under specified conditions. If the permittee requests a hearing, any modification or revocation may be made only after such hearing. The Secretary of State is authorized to promulgate regulations requiring advance notification of any expedition to or within Antarctica.

Civil and criminal penalties are provided. However, assessment of civil and criminal penalties under this Act does not preclude the assessment of such penalties for violations of the Marine Mammal Protection Act, the Endangered Species Act, or the Migratory Bird Treaty Act. Enforcement of the Antarctic Conservation Act is the responsibility of the Director, the Secretaries of the Treasury, Commerce, the Interior, and the Department in which the Coast Guard is operating.

The Act also amends the Fishermen's Protective Act to clarify that a vessel's documentation or certification under U.S. laws would not be affected if commanded by a person other than a citizen of the U.S. during any fishing voyage beyond the U.S. fishery conservation zone. This amendment is retroactive to January 1, 1978.

92 Stat. 2048      Public Law 95-541      Act of October 28, 1978

## National Marine Fisheries Service

### National Aquaculture Act of 1980

16 U.S.C. 2801 note.

The Act of September 26, 1980, promotes aquaculture in the U.S. by establishing a National Aquaculture Plan to coordinate domestic programs and increase the availability of fisheries resources.

The Act provides for the establishment of a National Aquaculture Development Plan, designating the Department of Commerce as lead agency in coordinating and implementing an aquaculture program. The Secretary of Commerce is directed to consult with the Secretaries of Agriculture, and the Interior, and other appropriate Federal officers, states, regional fishery management councils, and representatives of the aquaculture industry. The Secretary may, if deemed appropriate, establish an advisory committee to assist in the initial development of the plan. The Plan shall identify those aquatic species which have the potential for culturing on a commercial or other basis. The Act requires the Secretary to carry out a continuing assessment of aquaculture in the U.S. for the purpose of maintaining a complete profile for the aquaculture industry and the individuals and institutions involved in all aspects of aquaculture.

The Act requires the Secretary of Commerce to establish and maintain an Aquaculture Information Center for the collection, analysis and distribution of scientific and other information regarding aquaculture. It establishes within the Office of Science and Technology Policy an interagency aquaculture coordinating group. The purpose of the group is to increase the overall effectiveness and productivity of Federal aquaculture research, transfer, and assistance programs.

The Act also authorizes the Secretaries of Commerce, the Interior, and Agriculture to provide financial assistance in the form of grants, not to exceed 50% of the cost, in carrying out demonstration projects. It provides for the establishment of a loan guarantee program to be administered by the Secretary of Commerce. Any guarantee made shall be for no more than 87 1/2 percent of the actual loan. It also authorizes and directs the Secretary of Commerce to establish a Federal insurance program where such insurance is not available from the private sector.

Appropriations to the Department of Commerce are authorized at a level of \$10 million for fiscal year 1982, and \$12 million for fiscal year 1983.

94 Stat. 1198      Public Law 96-362      Act of Sept. 26, 1980

Reports to Congress: September 30 (biennially)



## National Marine Fisheries Service

### Artificial Reefs - Liberty Ships

16 U.S.C. 1220-1220c

The Act provides that a state may apply to the Secretary of Commerce for one or more Liberty ships, which otherwise would be designated by the Secretary for scrapping, for the purpose of sinking such ships to establish offshore artificial reefs for the conservation of marine life. The Secretary must seek and consider the views of the Secretaries of the Interior and Defense and any other appropriate Federal officer on the proposed sinking. The transfer is to be accomplished with no cost to the Federal Government.

86 Stat. 617

Public Law 92-402

Act of August 22, 1972

National Marine Fisheries Service

Atlantic Coast Fish Study for Development and Protection of  
Fish Resources

16 U.S.C. 760a-760c

This Act directs the Secretary of Commerce to undertake a comprehensive and continuing study of species of fish of the Atlantic coast, including bays, sounds, and tributaries, for the purpose of recommending to the states of the Atlantic coast appropriate measures for the development and protection of such resources and their wisest utilization, whether for sport or commercial fishing or both.

64 Stat. 474

Public Law 81-730

Act of Aug. 25, 1950

National Marine Fisheries Service

Atlantic Coast Shad Study

16 U.S.C. 759

This Act authorizes the Secretary of the Interior to undertake, through the Fish and Wildlife Service, a comprehensive and continuing study of the shad of the Atlantic coast for the purpose of recommending to the Atlantic Coast States, through the Atlantic States Marine Fisheries Commission, measures to be taken to arrest decline, increase abundance, and promote the wisest utilization of such shad resources at a cost not to exceed \$75,000 per annum for a six-year period.\*

63 Stat. 616      Public Law 249, 81st Cong.    Act of Aug. 18, 1949

,\* The 1976 Edition of the U.S. Code omits the text of the law.  
Codification note indicates text is omitted.

National Marine Fisheries Service

Atlantic States Marine Fisheries Commission

16 U.S.C. 667a

This resolution authorizes the named states to enter into a compact for cooperative effort and mutual assistance for the uniform, common or mutual regulation of fishing in the territorial waters and bays and inlets of the Atlantic Ocean on which such named states border or have jurisdiction. The subsequent interstate compact, as amended, designates the Fish and Wildlife Service as the primary research agency of the Commission, cooperating with the research agencies of each named state.\*

54 Stat. 261	Pub. Res. 79, 76th Cong.	Joint Resolution of June 8, 1940
56 Stat. 267	Public Law 77-539	Act of May 4, 1942
64 Stat. 467	Public Law 81-721	Act of Aug. 19, 1950

\* The 1976 Edition of the U.S. Code omits the text of these laws but contains a codification note summarizing them. However, there is no reference to Reorganization Plan No. 4 of 1970 and the transfer made thereunder.



## National Marine Fisheries Service

### Atlantic Tunas Convention of 1975

16 U.S.C. 971

The Act authorizes the Secretary of State, with the concurrence of the Secretary of Commerce, to receive, accept, or object to conservation recommendations made by the International Commission for the Conservation of Atlantic Tunas, and with respect to enforcement, the concurrence of the Secretary of the Department in which the Coast Guard is operating. The Act prescribes the procedures for implementing the International Commission for the Conservation of Atlantic Tunas (ICCAT) through the promulgation of regulations by the Secretary of Commerce for the purpose of carrying out recommendations of the Commission that are effective for the United States. Proposed regulations must be published in the Federal Register to afford interested persons an opportunity to comment. After publication of the final regulations, they would be applicable to U.S. fishermen but shall be suspended if it is determined that a member country of the Commission for whom the conservation regulations are effective is fishing in such a way as to constitute a serious threat to the achievement of the Commission's recommendations. The kinds of regulations which may be promulgated are described, and import embargo provisions are provided. The Secretary of State, in consultation with the Secretary of Commerce and the Secretary of the Department in which the Coast Guard is operating, is authorized to enter into agreements relating to cooperative enforcement and implementation of the provisions of ICCAT.

The Act authorizes the President to appoint not more than three Commissioners and additional Alternate Commissioners to represent the United States on the International Commission for the Conservation of Atlantic Tunas. An advisory committee may be appointed by the Commissioners. The Committee is to be composed of no less than five, but no more than twenty persons, representative of the various groups concerned with Atlantic tuna fisheries.

Prohibitions are listed and fines and forfeitures are prescribed for violations. No penalty shall be assessed unless the person accused of committing the violation is given notice and opportunity for a hearing. Upon failure of any person to pay an

assessed penalty, the Secretary of Commerce may request the Attorney General to institute a civil action in a district court of the United States to collect the penalty. Authority is granted to the U.S. Commissioners, through the Secretary of State, to arrange for the cooperation of agencies of Federal, state, and private institutions and organizations in carrying out the scientific and other programs of the Commission.

The Act of May 26, 1977, changes the definition of the term "fisheries zone" to conform the language of the statute to the Magnuson Fishery Conservation and Management Act of 1976.

The Act of September 4, 1980 authorizes the Secretary of Commerce to establish a 100% observer program under which a U.S. observer will be stationed aboard each foreign vessel within the fishery conservation zone. A Foreign Fishing Observer Fund is established to be available to the Secretary as a revolving fund for the purposes of carrying out the observer program.

In addition, the Act establishes five new positions on the ICCAT advisory committee. It authorizes appropriations for fiscal years 1982 and 1983.

89 Stat. 385	Public Law 94-70	Act of August 5, 1975
90 Stat. 331	Public Law 94-265	Act of April 13, 1976
90 Stat. 173	Public Law 95-33	Act of May 26, 1977
94 Stat. 1069	Public Law 96-339	Act of September 4, 1980

National Marine Fisheries Service

Channel Islands National Park and Recreation Act of 1978

16 U.S.C. 1 note.

The Act of March 5, 1980 Authorizes the development of the Channel Islands National Park in the State of California, which will include San Miguel, Prince, Santa Rosa, Santa Cruz, Anacapa, and Santa Barbara Islands, including the rocks, islets, submerged lands, and waters within one nautical mile of each island. It directs the Secretary of the Interior to develop, in cooperation and consultation with the Secretary of Commerce, the State of California, and various knowledgeable Federal and private entities, a natural resources study report for the park, including an inventory of all terrestrial and marine species, indicating their population dynamics, and probable trends as to future numbers and welfare.

The Act also authorizes the Secretary of the Interior to conduct a study relating to the use of lands in the area for purposes of wind energy research. The Secretary is further authorized to issue permits for the use of such lands as a site for installation and field testing of an experimental wind turbine generating system.

94 Stat. 67            Public Law 96-199            Act of March 5, 1980



National Marine Fisheries Service

Capital Construction Fund - Fishing Vessels (Merchant Marine Act of 1970)

46 U.S.C. 1177

The Merchant Marine Act of 1970 (sec. 21), amends section 607 of the Merchant Marine Act, 1936, to provide that any citizen of the United States owning or leasing one or more "eligible vessels" may enter into an agreement with the Secretary of Commerce to establish a capital construction fund with respect to any or all such vessels. Any agreement entered into under this section shall be for the purpose of providing replacement vessels, additional vessels, or reconstructed vessels, built in the United States and documented under the laws of the United States for operation in the United States' foreign, Great Lakes, or noncontiguous domestic trade, or in the fisheries of the United States, and shall provide for deposit in the fund of the amounts agreed upon as necessary or appropriate to accomplish the purpose of the fund.

Under the terminology used in this section of the Act, an "eligible vessel" is one which may be used subject to the agreement for purpose of deposits in the fund, while a "qualified vessel" is a replacement vessel, additional vessel, or reconstructed vessel for which withdrawals may be made from the fund. "Eligible vessel" is defined as any vessel constructed in the United States, and if reconstructed, reconstructed in the United States, documented under the laws of the United States, and operated in the foreign or domestic commerce of the United States, with the grandfather proviso that any ship built abroad but documented under U.S. flag on April 15, 1970, or built abroad for use in our foreign trade pursuant to a contract entered into before that date shall be considered as though built in the United States for this purpose.

Qualified withdrawals from the fund may be made for the purpose of (1) acquisition, construction or reconstruction of a qualified vessel, (2) acquisition, construction or reconstruction of barges and containers which are part of the complement of a qualified vessel, and (3) payment of the principal on indebtedness incurred in connection with the acquisition, construction or reconstruction of a qualified vessel or barge or container which is part of the complement of a qualified vessel.



Section 607 provides for a deferral of Federal income taxes on deposits into the fund from the following sources: (1) earnings from shipping operations of agreement vessels (2), net proceeds from sales or other dispositions of, or from insurance on, vessels, and (3) earnings from investment or reinvestment of amounts held in the fund. This provision has the effect of deferring tax on ordinary income or capital gains on these deposits so long as they remain in the fund or are used for the purposes for which the fund is being maintained. Withdrawals for purposes other than those for which the fund is intended (nonqualified withdrawals) may only be made with the permission of the Secretary of Commerce, are taxed in the year of withdrawal, and the tax attributable to the nonqualified withdrawal is subject to an interest charge from the last date for payment of tax for the taxable year in which the amount was deposited in the fund to the last date for payment of tax for the taxable year in which the withdrawal is made.

The amounts in a capital construction fund are required to be kept in a depository specified in the agreement, and are subject to requirements as may be specified by the Secretary of Commerce. These funds may be invested only in interest-bearing securities approved by the Secretary of Commerce, except that with the consent of the Secretary of Commerce, up to 60 percent of the assets of the fund may be invested in the stock of domestic corporations. Such stock must be fully listed and registered on an exchange resistered with the Securities and Exchange Commission.

The Act of October 1, 1973, amends sec. 607(k)(8). It clarifies the definition of "noncontiguous trade" for Capital Construction Fund withdrawal purposes to include trade between two or more points within Alaska, Hawaii, Puerto Rico, or any other territory or possession of the United States. As a consequence, a vessel which has been built with such capital construction funds is legally permitted to trade between all points in our outlying states, territories, and possessions.

94 Stat. 1026	Public Law 91-469	Act of October 21, 1970
87 Stat. 421	Public Law 93-116	Act of October 1, 1973

## National Marine Fisheries Service

### Central, Western, and South Pacific Fisheries Development Act

#### 16 U.S.C. 758 Note

The Act authorizes the Secretary of Commerce to carry out, directly or by contract, in conjunction with the Pacific Tuna Development Foundation or other agency or organization, a program for the development of the tuna and other latent fisheries resources of the Central, Western, and South Pacific Ocean. Consultation and cooperation is authorized with the Secretary of the Interior, the Secretary of State, the State of Hawaii and other affected states, the governments of American Samoa and Guam, the Office of the High Commissioner of the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, educational institutions, the commercial fishing industry, and all appropriate member nations of any South Pacific regional fishery agency if such an agency is formed.

The Act also authorizes the Secretary to establish, in cooperation with representatives of the proposed agency and other parties, a cooperative program for the development of tuna and other latent fisheries resources of the Central, Western, and South Pacific Ocean to be submitted to the President and the Congress within one year following official formation of the proposed agency. The Secretary must make available to all interested members of the proposed agency the results and findings of research or development projects carried out under the Act.

The Act of June 16, 1978, extends the appropriation authorization for three years (FY 1980 through FY 1982) at a level of \$5 million per year.

80 Stat. 444	Public Law 92-444
90 Stat. 809	Public Law 94-343
92 Stat. 319	Public Law 95-295

Act of September 29, 1972
Act of July 6, 1976
Act of June 16, 1978

National Marine Fisheries Service

Coastal Zone Management Act (CZMA) Amendments of 1976  
(Shellfish Study)

16 U.S.C. 1451 et seq.

The CZMA Amendments of 1976 (sec. 16), directs the Secretary of Commerce to undertake a comprehensive study of all aspects of the molluscan shellfish industry, including the harvesting, processing, and transportation of such shellfish; and to evaluate the impact on that industry of Federal law concerning water quality on the molluscan shellfish industry.

90 Stat. 1017

Public Law 94-370

Act of July 26, 1976

## National Marine Fisheries Service

### Coast Guard - Detail of Personnel

#### 16. U.S.C. 743a

This Act authorizes the chief executives of Coast Guard, Army, Navy and Air Force; Atomic Energy Commission; and National Aeronautics and Space Administration to detail commissioned, enlisted or civil personnel for duty under the Director of the Bureau of Sport Fisheries and Wildlife, when such personnel can be spared for detail duty. The Act also authorizes these agencies to make equipment available to the Director on a loan basis.\*

23 Stat. 494	No Public Law Number	Act of March 3, 1885
88 Stat. 123	Public Law 93-280	Act of May 10, 1974

Note: Pursuant to Reorganization Plan No. 4 the Secretary of Commerce is substituted for the Director of the Bureau of Sport Fisheries and Wildlife. The 1976 Edition of the U.S. Code fails to indicate this change.

### Statutory History

Act March 3, 1885 Ch. 360, §(1), 23 Stat 494 renumbered by P.L. 93-280, §1(1), May 10, 1974, 88 Stat. 123. 23 Stat. 494 ("Act March 3, 1885") was entitled "Propagation of Food Fishes". The Act of 1885 was codified 16 U.S.C. §743. §743 Repealed. P.L. 93-280, §1(2), May 10, 1974, 88 Stat. 123.



National Marine Fisheries Service

Columbia River Basin Fishery Development Program (sometimes known as the Mitchell Act)

16 U.S.C. 755-757

This Act authorizes the Secretary of Commerce to establish salmon cultural stations in Washington, Oregon, and Idaho. It also authorizes the secretary to conduct necessary investigations and engineering and biological surveys and experiments to conserve the fishery resources of the Columbia River and its tributaries; to construct and install devices in the Columbia River Basin for the improvement of feeding and spawning conditions for fish; the protection of migratory fish from irrigation projects; and facilitating free migration of fish over obstructions. The Act also authorizes other activities for the conservation of fish in the Columbia River Basin and to utilize the facilities and services of the agencies of the States of Washington, Oregon, and Idaho.

'52 Stat. 345  
60 Stat. 932

Public Law 75-502  
Public Law 79-676

Act of May 11, 1938  
Act of August 8, 1946

National Marine Fisheries Service

Commercial Fisheries Research and Development Act of 1964

16 U.S.C. 779-779f

The Act authorizes the Secretary of Commerce to cooperate with the states through their respective agencies responsible for commercial fisheries in carrying out research and development projects on commercial fisheries resources of the Nation. Under the Act, appropriated funds are apportioned among the states on a basis determined by the commercial fishing activity in each of the states during recent years. The Secretary is authorized to pay up to 75 percent of the estimated cost of approved state projects.

The Act of June 5, 1980 authorizes appropriations for fiscal years 1981 through 1983 at a level of \$10 million per year for cooperative state-Federal research and development projects (4(a)); \$5 million per year for disaster relief (4(b)); and \$500,000 per year for the development of a new commercial fisheries (4(c)).

78 Stat. 197	Public Law 88-309	Act of May 20, 1964
82 Stat. 957	Public Law 90-551	Act of October 4, 1968
86 Stat. 1303	Public Law 92-590	Act of October 27, 1972
90 Stat. 2326	Public Law 94-485	Act of October 12, 1976
91 Stat. 249	Public Law 95-53	Act of June 22, 1977
94 Stat. 437	Public Law 96-262	Act of June 5, 1980

National Marine Fisheries Service

Commutation of Rations for Officers and Crews of Vessels

16. U.S.C. 754

Commutation of rations (not to exceed \$1 per man per day) may be paid to officers and crews of vessels of the Fish and Wildlife Service. Deductions from the salaries of officers and crews for quarters and rations furnished on vessels need not be made.\*

55 Stat. 357	Public Law 136, 77th Cong.	Act of June 28, 1941
56 Stat. 557	Public Law 645, 77th Cong.	Act of July 2, 1942

\* Transfer of functions Footnote references Reorg. Plan No. 4 of 1970.

National Marine Fisheries Service

Consolidated Farm and Rural Development Act

7 U.S.C. 1923

The Act authorizes the Secretary of Agriculture to make and insure loans to established farmers, ranchers, or other persons, including those engaged in aquacultural activities, who have been substantially affected by a natural disaster or by a major disaster or emergency designated as such by the President.

94 Stat. 1971

Public Law 96-438

Act of Oct. 13, 1980



National Marine Fisheries Service

Cooperative Associations - Fisheries

15 U.S.C. 521-522

This Act authorizes the formation of fishery marketing cooperatives and provides for their administration.

48 Stat. 1213 Public Law 73-464 Act of June 25, 1934

National Marine Fisheries Service

Cooperative Research Units

16 U.S.C. 753a-753b

This Act authorizes the Secretary of Commerce to continue to enter into cooperative agreements with colleges, universities, State fish and game departments, and with non-profit organizations relating to cooperative research units by assigning Department of the Interior technical personnel for service with such units, by supplying units with equipment that may be available for such purposes, and by paying the incidental expenses of Federal personnel and employees of cooperating agencies assigned to the units.

74 Stat. 733      Public Law 86-686      Act of September 2, 1960

National Marine Fisheries Service

Crown of Thorns Starfish

16 U.S.C. 1211-1213

The purpose of this Act is to conserve and protect coral reef resources of the Pacific tropical islands of concern to the United States. The Secretary of Commerce and the Secretary of the Smithsonian Institution are authorized to cooperate with and provide assistance to the governments of the State of Hawaii, the territories and possessions of the United States, including Guam, American Samoa, the Trust Territory of the Pacific Islands, and other island possessions of the United States, in the study and control of the seastar "Crown of Thorns."

In carrying out the purpose of the Act, the two Secretaries may conduct studies and research to determine the cause of population increase of the Crown of Thorns, its effects on corals and coral reefs, and the stability and regeneration of reefs following predation. The two Secretaries are authorized to monitor areas where Crown of Thorns may be increasing, determine future needs for control, develop methods of control, and carry out programs of control.

84 Stat. 884      Public Law 91-427      Act of September 26, 1970

## National Marine Fisheries Service

The Defense Production Act of 1950 as implemented by Executive Order 10480 (August 14, 1953) and Executive Order 11490 (October 28, 1969)

50 App. U.S.C. 2153; 3 CFR 1949-1953 Comp., p. 692; 3 CFR 1966-1970 Comp., p. 820

The Defense Production Act provides that the President may delegate his authority under that Act. By Executive Orders 10480 and 11490, the Department of Agriculture is delegated the responsibility for emergency preparedness planning and execution of mobilization and management programs for the overall food resources of the Nation. The Secretary of Agriculture delegated to the Secretary of Commerce responsibility and authority for the production and processing of fish and fishery products, and certain related claimant functions. Under these delegations, the National Marine Fisheries Service (NMFS) carries on emergency preparedness programs pertaining to the production or harvesting of fish, shellfish, and marine resources. This responsibility includes the preparation of fishery production data maintained at the National Resource Evaluation Center and the planning for and reporting of natural disasters and civil disturbances which may affect the commercial fisheries industry and NMFS installations.

64 Stat. 816      Public Law 81-774      Act of September 8, 1950

(Successive Acts have extended the termination date of the Act of September 8, 1950).



## National Marine Fisheries Service

### Duties - Fish Nets & Netting

19 U.S.C. 1202

The Act provides for the temporary suspension of certain duties, and extends certain existing suspensions of duties. It provides duty-free treatment for the purchase and cost of repair of tuna purse seine nets and netting for any U.S.-documented purse seine vessel of 500 tons-carrying capacity, or greater, or for any U.S.-documented purse seine vessel required to carry a certificate of inclusion issued pursuant to the provisions of the Marine Mammal Protection Act.

94 Stat. 3555

Public Law 96-609

Act of December 28, 1980

National Marine Fisheries Service

Education - Fishery

16 U.S.C. 760d

This Act authorizes the Secretary of Commerce to make grants to educational institutions to promote education and training of scientists, technicians, and teachers needed in the field of commercial fishing. Funds appropriated are to be apportioned by the Secretary among the states and Territories taking into account the extent of the fishing industry within each state and territory as compared with the total fishing industry of the United States. An annual appropriation not in excess of \$550,000 is authorized. This Act also amends the Vocational Education Act of 1946 to authorize assistance to the states and territories in the development of vocational education in the fishery trades. This section was codified at 20 U.S.C. 15j (a)(5) but was repealed by the Act of October 16, 1968.

70 Stat. 1126	Public Law 84-1027	Act of August 8, 1956
82 Stat. 1091	Public Law 90-576	Act of October 16, 1968

## National Marine Fisheries Service

### Endangered Species Act (ESA)

16 U.S.C. 1531 et seq.

The Act provides for the conservation of endangered and threatened species of fish, wildlife, and plants. The program is to be administered by the Secretaries of the Interior (DOI) and Commerce (DOC) except that the Secretary of Agriculture shall enforce provisions relating to importation or exportation of terrestrial plants.

Section 4 of the Act requires the Secretary of the Interior to publish in the Federal Register, and revise as necessary, a list of endangered species and threatened species as determined by either the Secretary of Commerce or the Secretary of the Interior, depending upon agency jurisdiction over species. However, the Secretaries may treat any species as endangered or threatened even though it is not listed if they find that such species closely resembles in appearance a species which has been listed so that enforcement personnel will not encounter difficulty in differentiating between the listed and unlisted species. The Secretary must review the list once every five years to determine whether the species should be removed from the list or changed in status.

The Act sets procedures governing the listing process. Any proposed listings not finalized within 2 years must be withdrawn and cannot be proposed again unless the Secretary determines that new information is available which warrants such action. Section 4 also requires the Secretary to develop and implement recovery plans for listed species to ensure their conservation and survival.

Section 5 of the Act authorizes the acquisition of land, water, or interests therein for the purpose of conserving any endangered or threatened species of fish, wildlife, or plants.

Section 6 of the Act authorizes the Secretary to enter into management agreements with states for the administration and management of areas for the conservation of endangered or threatened species. The Secretary is also authorized to enter into a cooperative agreement with any state which establishes and maintains an adequate and active program for the conservation of endangered or threatened species. The 1977 Act eases the qualifying requirements for State endangered species programs to facilitate the development of cooperative agreements with the States.



Conflicts between the ESA and Federal actions are to be resolved by a consultation process between the project agency and DOC and DOI, as appropriate, as contained in section 7 of the Act. When the consultation process has been exhausted and a conflict still exists, an application for exemption may be submitted to the Secretary within 90 days. Such application is to be considered initially by a review board consisting of three members: one appointed by the Secretary, one appointed by the President after consideration of the recommendations from the Governor(s) of the affected state(s), and an administrative law judge.

The Act describes the process by which the Board submits a report to the Endangered Species Committee. The Endangered Species Committee has seven members: the Secretaries of Agriculture, the Army, and the Interior, and the Administrator of NOAA, Chairman of the Council of Economic Advisers, Chairman of the Council on Environmental Quality, and a person appointed by the President upon the recommendation of the Governor(s) of the state(s) within which the agency action in question will occur; the Secretary of the Interior is the Chairman. An exemption may only be granted by five Committee members voting in person. If the Committee grants an exemption, it must require reasonable mitigation and enhancement measures be taken by the successful applicant. The Committee's final determination is subject to judicial review. The Committee may not grant an exemption if the Secretary of State gives it written certification that the granting of the exemption and the resultant agency action would violate an international treaty or other international obligation of the U.S. The President is allowed to grant an exemption for replacement and repairs on public facilities necessary to prevent recurrence of a natural disaster which resulted in a Presidential declaration of a Federal disaster area. Agencies receiving an exemption are required to submit annual reports to the Council on Environmental Quality describing compliance with ordered mitigation and enhancement measures.

Section 8 of the Act stipulates that the Secretaries, through the Secretary of State, encourage international programs providing for the conservation of endangered and threatened species. It also provides for the carrying out of certain international conventions.

Section 10 of the Act authorizes the Secretary of Commerce to grant exemptions for a period of up to three years for the sale of legally obtained pre-Act endangered species' parts, including scrimshaw and sperm whale oil and its derivatives. It exempts from the prohibitions of the Act antique articles, other than scrimshaw, made before 1830 and extends relief to



those who imported such antique articles after December 28, 1973, and who had the antique confiscated by the Federal Government.

Section 11 of the Act contains civil and criminal penalties. The standard for criminal violations is "knowingly" (changed from "willfully").

87 Stat 884	Public Law 93-205	Act of December 28, 1973
90 Stat. 724	Public Law 94-325	Act of June 30, 1976
90 Stat. 911	Public Law 94-359	Act of July 12, 1976
91 Stat. 1493	Public Law 95-212	Act of December 19, 1977
92 Stat. 3751	Public Law 95-632	Act of November 10, 1978

National Marine Fisheries Service

Estuaries and their Natural Resources

16 U.S.C. 1221-1226

The Act authorizes the Secretary of the Interior to conduct a study of the Nation's estuaries to determine the need to conserve and restore the valuable estuarine areas of the United States.

The study is to be in cooperation with the states, the Secretary of the Army, and other Federal agencies. A report is to be made to the Congress by January 30, 1970, including legislative recommendations and recommendations as to whether there should be a nationwide system of estuarine areas. The study was concluded and the report sent to Congress.

All Federal agencies, in planning for the use or development of water and land resources, shall give consideration to estuaries and their natural resources. Also, states and local subdivisions are to be encouraged to take into account the needs and opportunities for protecting estuaries in the development of plans which involve various Federal-State grant-in-aid programs.

\* The text of the law as it appears in the 1976 Edition, U.S.C., continues the use of the term "Secretary of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

82 Stat. 625

Public Law 90-454

Act of August 3, 1968

National Marine Fisheries Service

Exchange of Equipment as Part Payment for Other Equipment

16 U.S.C. 752

The Fish and Wildlife Service may exchange motor-propelled and horse-drawn vehicles, tractors, road equipment, boats, aircraft, typewriters, computing or duplicating machines, or parts, accessories, tires, or equipment thereof, in part payment for other equipment as listed.\*\*

55 Stat. 357	Public Law 77-136	Act of June 28, 1941
56 Stat. 557	Public Law 77-645	Act of July 2, 1942

\*\* The 1976 Edition of the U.S. Code omits the text of these laws but contains a codification note which explains that these Acts were a part of Interior Department Appropriation Acts of 1942 and 1943 and were not repeated in subsequent Acts.

National Marine Fisheries Service

Farm Credit Systems

12 U.S.C. 2001

The Act revises the Farm Credit System to serve the current needs of the agriculture industry. A major provision of the Act allows Federal loan banks to make long-term loans to producers and harvesters of aquatic products, and authorizes farm credit system institutions to provide borrowers, members, and applicants financially-related services appropriate to their aquatic operations.

94 Stat. 3437      Public Law 96-592      Act of December 29, 1980



National Marine Fisheries Service

Exploration, Investigation, Development, and Maintenance of  
Fishing Resources and Industry of Pacific Ocean (sometimes  
known as the "Farrington Act of 1947, as amended")

16 U.S.C. 758-758d

This Act authorizes and directs the Secretary of Commerce to conduct such fishing explorations and such necessary related work as oceanographic, biologic, technological, statistical and economic studies to ensure maximum development and utilization of the high seas fishery resources of the United States and its island possessions in the tropical and subtropical Pacific Ocean. The Secretary may cooperate with the appropriate agencies of the state and island governments, and with educational, industrial, or other organizations.

Appropriations are authorized for constructing and equipping a fishery research laboratory and experiment station in the State of Hawaii and substations at suitable locations. Certain fishing and research vessels are also authorized.

61 Stat. 726  
74 Stat. 412

Public Law 80-329  
Public Law 86-624

Act of August 4, 1947  
Act of July 12, 1960

## National Marine Fisheries Service

### Federal Aid in Fish Restoration Act (sometimes known as the Dingell-Johnson (D-J) Act)

16 U.S.C. 777-777k

This is a Federal grant-in-aid authorization designed to help the states solve their sport fishery problems. The Secretary of the Interior is authorized and directed to cooperate with the states in fish restoration and management projects. Such projects may include investigations to produce information for solving fish restoration and management problems; acquisition of land and waters to increase public fishing opportunities; and developments to create new waters and to increase productivity in existing waters. Funds for the program are derived from a 10% Federal excise tax on fishing rods, creels, reels, artificial lures, baits, and flies. Apportionment is made to the states according to a formula based upon both the ratio of the area of each state and the ratio of the number of sport fishing licenses issued in each state. The Federal share cannot exceed 75% of the cost of a project. In order to participate, a state must have fishery conservation laws, including a prohibition against the use of license fees paid by fishermen for any purpose other than the administration of that state's fish and game department.\*

The Act of 1980 makes reference to the D-J Act in regard to the effect of approval of a state's conservation plans. Any state applying for apportionment of funds for programs and projects for fish restoration shall prepare and submit to the Secretary of the Interior a comprehensive fish and wildlife resource management plan. If the Secretary approves the conservation plan, that portion pertaining to fish conservation is deemed to be an approved plan.

64 Stat. 430	Public Law 81-681	Act of August 9, 1950
70 Stat. 473	Public Law 84-640	Act of July 2, 1956
70 Stat. 908	Public Law 84-896	Act of August 1, 1956
73 Stat. 143	Public Law 86-70	Act of June 25, 1959
74 Stat. 413	Public Law 86-624	Act of July 12, 1960
79 Stat. 1311	Public Law 89-348	Act of November 8, 1965
84 Stat. 1101	Public Law 91-503	Act of October 23, 1970
94 Stat. 1325	Public Law 96-366	Act of September 29, 1980

\* The 1976 Edition of the U.S. code contains a transfer of functions footnote for Reorganization Plan No. 4 of 1970 but the text is not changed.

National Marine Fisheries Service

Federal Crop Insurance Act

7 U.S.C. 1501

The Act amends the Federal Crop Insurance Act to establish an expanded and comprehensive Federal crop insurance program for farmers. The Act authorizes the Secretary of Agriculture to provide certain disaster assistance and insurance to farmers of agricultural commodities. The Act expands the definition of "agricultural commodities" to include aquacultural species that are propagated or reared in a controlled or selected environment.

94 Stat. 1312      Public Law 96-365      Act of September 26, 1980

National Marine Fisheries Service

Federal Power Act

16 U.S.C. 811

This Act provides that the Federal Power Commission shall require a licensee under the Act to construct, maintain, and operate, at the expense of the licensee, such fishways as may be prescribed by the Secretary of Commerce.

41 Stat. 1073	Public Law 280, 66th Cong.	Act of June 10, 1920
49 Stat. 845	Public Law 333, 74th Cong.	Act of August 26, 1935
53 Stat. 1433	1939 Reorg. Plan No. 2	Effective July 1, 1939



## National Marine Fisheries Service

### Federal Ship Financing Act of 1972

46 U.S.C. 1271-1280

This Act amends Title XI of the Merchant Marine Act, 1936, by replacing authority to insure vessel mortgages and loans with authority to guarantee obligations. Fishing vessels of five net tons or over are one of several classes of eligible vessels. Generally, obligations (i.e., owed to private lenders) eligible for guarantee must have aided in financing or refinancing the cost of constructing, reconstructing, or reconditioning vessels, or facilities or equipment pertaining to marine operations.

The Act of April 7, 1978, amends section 1104(b)(2) of the Merchant Marine Act, 1936, to authorize the Secretary of Commerce to guarantee obligations financing up to 87-1/2% (changed from 75%) of the actual or depreciated actual cost of constructing or reconstructing vessels designed for commercial fishing use. (This action places fishing vessels in the same category as other vessels not receiving a construction differential subsidy in qualifying for Federal loan guarantees under title XI of the Merchant Marine Act, 1936).

Section 6(a) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742(a)) directed that functions of certain agencies relating primarily to the development, advancement, management, conservation, and protection of commercial fisheries, as determined by the Director of the Bureau of the Budget, be transferred to the Secretary of the Interior. Thereafter, on March 22, 1958, the Bureau of the Budget determined that functions of the Maritime Administration, Department of Commerce, pertaining to Federal ship mortgage insurance for fishing vessels under the authority of Title XI of the Merchant Marine Act, 1936, were so transferred. The Determination set a ceiling of \$10 million on the amount of insurance that could be outstanding. The Act of July 5, 1960, (P.L. 86-577, 74 Stat. 314, U.S.C. 1275 Note) authorized Interior to exercise Title XI authority relating to fishing vessels, comparable to the Title XI authority of Commerce.

In 1967, a modification of the 1958 Bureau of the Budget Determination raised the insurance ceiling to \$20 million and in 1969 another modification raised it to \$25 million (text of the Determination appears following the description of the Fish and Wildlife Act of 1956).

The Act of August 3, 1980 amends Title XI of the Merchant Marine Act, 1936, to create a special sub-account in the Federal Ship Financing Fund, to be known as the Ocean Thermal Energy Conversion (OTEC) Demonstration Fund, which shall be used for obligation guarantees. The Secretary of Commerce may guarantee or make commitment to guarantee, payment of the principal and interest on an obligation which aids in financing the construction, reconstruction, or reconditioning of a commercial demonstration OTEC facility or plantship owned by citizens of the United States. Such obligations may be in an aggregate principal amount which does not exceed 87.5% of the actual cost or depreciated actual cost of the facility or plantship.

The Act of October 21, 1980 amended the Fish and Wildlife Act of 1956 to extend the Fisheries Loan Fund through FY 82 at a level of \$6 million to provide loans to vessel owners who have been adversely affected by economic conditions, including those whose vessel financing was guaranteed by the Government under the Fishing Vessel Obligation Guarantee Program.

86 Stat. 909	Public Law 92-507	Act of October 19, 1972
92 Stat. 194	Public Law 95-257	Act of April 7, 1978
94 Stat. 974	Public Law 96-320	Act of August 3, 1980
94 Stat. 2297	Public Law 96-478	Act of October 21, 1980

## National Marine Fisheries Service

### Fish and Wildlife Act of 1956

16 U.S.C. 742a-742k; (See also: 15 U.S.C. 713c-3(e); 15 U.S.C. 713c-3 Note; 23 F.R. 2304)

The Act, as amended, contains a Congressional declaration of policy to the effect that fish and wildlife resources make a material contribution to the national economy and food supply and that the fishing industry can fulfill its proper function in national life only with the satisfaction of fundamental needs of freedom of enterprise, protection of opportunity, and assistance consistent with that provided by Government for industry generally.

The original Act established within the Department of the Interior the United States Fish and Wildlife Service composed of the Bureau of Commercial Fisheries and the Bureau of Sport Fisheries and Wildlife. Functions were distributed between the two Bureaus with the Bureau of Commercial Fisheries responsible for commercial fisheries, whales, seals, sea lions, and related matters; and the Bureau of Sport Fisheries and Wildlife responsible for migratory birds, game management, wildlife refuges, sport fisheries, sea mammals (except whales, seals, and sea lions), and related matters.

The Act transferred to the Secretary of the Interior functions of the Secretary of Agriculture, the Secretary of Commerce, and the head of any other department or agency, as determined by the Director of the Office of Management and Budget. Such a determination was made on March 22, 1958, in which four specific functions were transferred. A copy of that determination is appended hereto.

The Act provides for a fishery loan program in which the Secretary may make loans for financing or refinancing of the cost of purchasing, constructing, equipping, maintaining, repairing, or operating new or used commercial fishing vessels or gear. By a separate but related Act (75 Stat. 493) the Secretary was given authority in the management and disposition of vessels and other property acquired and arising out of fishery loans to facilitate administration.

It authorizes the Secretary to conduct continuing investigations and disseminate information concerning the production and flow to market of fishery products; the availability, abundance, and biological requirements of fish and wildlife resources, the competitive economic position of the various fishery products; the collection and dissemination of statistics on fishing; the improvement of production and marketing practices and the conduct of educational and extension services relative to commercial and sport fisheries; and any other matter which the Secretary believes to be in the public



interest in connection with any phase of fish and wildlife operations. The Secretary is to develop and recommend measures to ensure maximum sustainable production of fish and fishery products; study the economic condition of the industry; develop special promotional and informational activities to stimulate consumption where surplus exists; and take steps for the development, advancement, management conservation, and protection of fisheries resources.

It provides for cooperation between the Secretaries of State and the Interior in providing for representation at international meetings relating to fish and wildlife including membership of an Interior representative on U.S. delegations and negotiating terms.

The 1974 Act provides that the Small Business Administration may make loans to fishermen while the Fisheries Loan Fund moratorium exists.

The Act of November 8, 1978, authorizes the Secretaries of Commerce and the Interior to enter into formal cooperative agreements with states and other Federal agencies for enforcing fish and wildlife laws and to establish and conduct programs to train personnel in enforcement matters at the request of any state. Both Secretaries are also authorized to dispose of abandoned or forfeited property; and to accept and pay for incidental expenses associated with the services of volunteers in conducting fish and wildlife programs. It extends the application of Federal criminal statutes (18 U.S.C. 111, 1114) to provide protection for employees of the Department of Commerce who are assigned to perform investigative, inspection, or law enforcement functions while engaged in, or on account of performance of, their official duties.

The Act of October 21, 1980 amended the Fish and Wildlife Act of 1956 to extend the Fisheries Loan Fund through FY 82 to provide loans to vessel owners who have been adversely affected by economic conditions, including those whose vessel financing was guaranteed by the Government under the Fishing Vessel Obligation Program.

70 Stat. 1119	Public Law 84-1024	Act of August 8, 1956
72 Stat. 1710	Public Law 85-888	Act of Sept. 2, 1958
75 Stat. 493	Public Law 87-219	Act of Sept. 13, 1961
75 Stat. 788	Public Law 87-367	Act of October 4, 1961
76 Stat. 849	Public Law 87-793	Act of October 11, 1962
78 Stat. 199	Public Law 88-309	Act of May 20, 1964
79 Stat. 262	Public Law 89-85	Act of July 23, 1965
84 Stat. 309	Public Law 91-279	Act of June 12, 1970
84 Stat. 829	Public Law 91-387	Act of August 23, 1970
85 Stat. 480	Public Law 92-159	Act of November 18, 1971
86 Stat. 905	Public Law 92-502	Act of October 18, 1972
88 Stat. 742	Public Law 93-386	Act of August 23, 1974
92 Stat. 3110	Public Law 95-616	Act of November 8, 1978
94 Stat. 2297	Public Law 96-478	Act of October 21, 1980

\* While the text of the Act as it appears in the 1976 Edition, U.S.C., continues to use of the terms "Secretary of the Interior" and "Fish and Wildlife Service", the editors have, at pertinent places, made reference by footnote to Reorganization Plan No. 4 of 1970 and the transfers effected thereunder.



DETERMINATION BY THE DIRECTOR OF THE BUREAU OF THE BUDGET  
On March 22, 1958 (23 F.R. 2304) as modified on  
March 1, 1967 (32 F.R. 3783), and on May 30, 1969  
(34 F.R. 8373)

Transfer of Certain Functions Relating to Commercial Fisheries to  
Department of the Interior  
Determination with respect to certain matters pursuant to Act of  
August 8, 1956

Pursuant to section 6(a) of the Act of August 8, 1956, popularly known as the Fish and Wildlife Act of 1956 (16 U.S.C. 742e), it is hereby determined that the following functions relate primarily to the development, advancement, management, conservation, and protection of commercial fisheries and shall be deemed to be transferred to the Department of the Interior by that Act:

1. The distribution and disposal of surplus fishery products now performed by the Department of Agriculture under the authority of the act of August 11, 1939 (15 U.S.C. 713c-2).

2. All functions of the Department of Agriculture which pertain to fish, shellfish and any products thereof, now performed under the authority of title II of the Act of August 14, 1946, popularly known as the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627), including but not limited to the development and promulgation of grade standards, the inspection and certification, and improvement of transportation facilities and rates for fish and shellfish and any products thereof.

3. All functions of the Maritime Administration, Department of Commerce, which pertain to Federal ship mortgage insurance for fishing vessels under authority of title XI of the Merchant Marine Act of 1936, as amended (46 U.S.C. 1271-1279), provided that the amount of loans outstanding under this transferred authority shall not exceed \$25 million at any one time.

4. All functions of the Maritime Administration, Department of Commerce, which pertain to direct loans to aid construction of fishing vessels under authority of title V of the Merchant Marine Act of 1936, as amended (46 U.S.C. 1151-1161o).

It is further determined that pursuant to said section 6(b) of the Act of August 8, 1956, the following are necessary in connection with the exercise of the above listed functions and shall be deemed to be transferred to the Department of the Interior by that Act:

a. The amounts shown in Schedule 1, hereto attached, which amounts are hereby determined to be available for use, as specified in said schedule, in connection with the functions transferred by said Act:

b. The property and records shown in Schedule 2, hereto attached, which property and records were used or held in connection with the functions transferred by said Act.

Note: The 1967 modification increased the limit on outstanding loans in paragraph 3 from \$10 million to \$20 million. The 1969 modification increased the limit on outstanding loans in par. 3 from \$20 to \$25 million.

National Marine Fisheries Service

Fish and Wildlife Coordination Act, as amended

16 U.S.C. 661-666c

This Act authorizes the Secretary of the Interior to cooperate with Federal, state, and public or private agencies in the conservation and development of fish and wildlife resources affected by water-resource development programs. The Secretary is further authorized to make reports and recommendations on wildlife aspects of such projects based on surveys and investigations to be conducted by the Fish and Wildlife Service. These reports and recommendations are made an integral part of the report, prepared by any Federal agency responsible for engineering surveys and construction of such projects, to be presented to Congress or authorizing agency.\*

48 Stat. 401	Public Law 73-121	Act of March 10, 1934
60 Stat. 1080	Public Law 79-732	Act of August 14, 1946
62 Stat. 497	Public Law 80-697	Act of June 19, 1948
72 Stat. 563	Public Law 85-624	Act of August 12, 1958
79 Stat. 216	Public Law 89-72	Act of July 10, 1965
	(sec. 6(b))	

\* In the original 1934 Act the Secretaries of Agriculture and Commerce were given the responsibility for the activities authorized in the Act. Subsequent amendments followed the transfer to Interior of responsibilities for fish from Commerce and wildlife from Agriculture; so the statutes names the Secretary of the Interior. The 1976 Edition of the U.S.C. cites 1939 Reorganization Plan No. 2 and 1940 Reorganization Plan No. 3 but fails to cite Reorganization Plan No. 4 of 1970.

National Marine Fisheries Service

Fisheries Construction and Maintenance  
(No code citation)

This Act authorizes a 5-year construction and maintenance program for the Bureau of Fisheries. Although the 5-year period contemplated by this Act has expired, some provisions have been incorporated by reference in a later enactment. (See Columbia River Fishery Development Program).

46 Stat. 371

Public Law 71-240

Act of May 21, 1930



## National Marine Fisheries Service

### Fishermen's Protective Act of 1967

22 U.S.C. 1971

The Act of August 27, 1954, provides that in a case where a vessel of the United States is seized by a foreign country on the basis of rights or claims not recognized by the United States and there is no dispute of material facts concerning the location or activity of the vessel, the Secretary of State is to take such action as he deems appropriate to protect the vessel and crew and secure their release. In addition, the vessel owner is to be reimbursed by the Secretary of the Treasury in an amount certified by the Secretary of State for any fines paid to secure such release. The Magnuson Fishery Conservation and Management Act of 1976 (MFCMA) amended the Act of August 27, 1954, to include the action to be taken by the Secretary of State in instances when a seizure is based on a claim related to exclusive fishery management authority but based on conditions and restrictions under such claims which (1) are unrelated to fishery conservation and management, (2) fail to consider and take into account traditional fishing practices of vessels of the U.S., (3) are greater or more onerous than the conditions and restrictions which the U.S. applies to foreign fishing vessels subject to the exclusive fishery management authority established by the MFCMA, and (4) fail to allow fishing vessels of the U.S. equitable access to fish subject to such country's exclusive fishery management authority.

The Act of August 12, 1968, amends the earlier Act by authorizing similar reimbursement for the sums paid for license fees, registration fees, or any other direct charge. In addition, the 1968 Act provides that the Secretary of Commerce, upon application, shall enter into contracts with fishing vessel owners providing that in the case of seizures under the conditions stated above, the Secretary shall guarantee the owner or charterer of such vessel for all actual costs except the fines, license fees, etc., taken care of by the Secretary of the Treasury. The actual costs to be guaranteed by the Secretary of Commerce are those resulting from damage to or destruction of the vessel, its gear and equipment; loss or confiscation of the vessel, gear and equipment; and dockage fees or utilities. The guarantee extends also to the owner (or charterer) and the crew for the market value of fish caught before the seizure but lost by confiscation



or spoilage during the period of detention; and for not to exceed 50 percent of the gross income lost as a direct result of the seizure and detention.

The Secretary of Commerce will establish rates to be paid by owners for such guarantees but such rates will be set to recover the cost of administering the program and at least one-third of the cost of the guarantees to the Federal Government. Payments may not be made under this section unless provided for in advance by appropriation Acts.

Under the terms of the Act the Secretary of State shall take such action as deemed appropriate to make and collect claims against a foreign country for amounts expended by the United States under any part of this Act. If the offending country fails or refuses to make payment in full within 120 days after receiving notice of any such claim by the U.S., the Secretary of State is required to withhold, pending such payment, an amount equal to the unpaid claim from any funds programmed for the current fiscal year to the offending country under the provisions of the Foreign Assistance Act of 1961.

The Act of December 23, 1971, "Pelly Amendment", adds a new section 8 to the Fishermen's Protective Act of 1967. Section 8 gives the President discretionary authority to prohibit the importation of fishery products from nations which conduct fishing operations in a manner that diminishes the effectiveness of any multilateral international fishery conservation program in which the United States participates. The Secretary of Commerce has the responsibility under the section for certifying to the President when such fishing operations are being conducted by foreign nations.

The Act of September 18, 1978, amends section 8 to provide such protection to wildlife and to give that certifying authority to the Secretary of the Interior. The Secretary of the Treasury is responsible for instituting and enforcing any embargo the President elects to apply. The terms of the section provide that the President shall notify the Congress of any action taken 60 days following certification by the Secretary of Commerce. If the President, after the certification, fails to direct the Secretary of the Treasury to prohibit the importation of fish products of the offending country, or if the prohibition does not include all fish products of the offending country, the President shall inform the Congress of the reasons therefor.

The Act of November 18, 1977, added a new section 10 which authorizes the Secretary of Commerce to make loans to domestic fishermen whose vessels or gear are damaged by foreign fishing operations in the U.S. Fishery Conservation Zone. The Act of September 18, 1978, amends section 10 so as to broaden the nature of casualties eligible for compensation. The amendment changes the method of compensation and provides a new source of program funding.

The Act of October 28, 1978, amends the Fishermen's Protective Act to spell out the intent of Congress that the employment of alien skippers by U.S.-documented fishing vessels while fishing beyond the fishery conservation zone does not terminate the U.S. documentation or certification of the vessel.

The Act of August 15, 1979, known as the Packwood/Magnuson Amendment, provides an additional measure for the protection of whales, similar to the "Pelly Amendment" but concerning allocations granted to nations to fish in the U.S. fishery zone under the Magnuson Act.

The Act of December 22, 1980, amends section 10 of the Fishermen's Protective Act to extend the time within which an owner or operator of a fishing vessel who suffered damage to his vessel or gear could apply for compensation. A similar extension is made to commercial fishermen who may have suffered damages as a result of oil and gas activities being conducted on the U.S. Outer Continental Shelf.

The Act of October 26, 1981, amends section 7 to provide for a cooperative insurance program to allow American fishing vessel owners to recoup economic losses resulting from illegal seizure of their vessels. Provides that those fees not currently needed for payments shall be kept on deposit or invested in a separate account, and all revenues accruing from such deposits or investments shall be credited to a separate account. Section 2 of the act extends for 5 years a current exemption to grant fishery tender vessels from the various Coast Guard inspection requirements, and declares as non-navigable a portion of the Green River in the State of Washington, which would allow the State to construct some permanent structures across the river. It provides an authorization of appropriations for fiscal years 1981 through 1984.

68 Stat. 883	Public Law 83-680	Act of August 27, 1954
82 Stat. 729	Public Law 90-482	Act of August 12, 1968
85 Stat. 786	Public Law 92-219	Act of December 23, 1971
86 Stat. 1182	Public Law 92-569	Act of October 26, 1972
86 Stat. 1313	Public Law 92-594	Act of October 28, 1972
90 Stat. 331	Public Law 94-265	Act of April 13, 1976
91 Stat. 1413	Public Law 95-194	Act of November 18, 1977
92 Stat. 714	Public Law 95-376	Act of September 18, 1978
92 Stat. 2048	Public Law 95-541	Act of October 28, 1978
94 Stat. 3275	Public Law 96-561	Act of December 22, 1980
95 Stat. 1040	Public Law 97-68	Act of October 26, 1981

National Marine Fisheries Service

Fishery Attache Program, Executive Order No. 10249, June 4, 1951,  
16 F.R. 5309 (3 CRF 1949-1953 Comp., p. 755), and Memorandum of  
Understanding Between the Departments of State and the Interior  
with Respect to the Minerals and Fisheries Officer Program,  
dated May 5, 1959

16 U.S.C. 742d  
16 U.S.C. 742e(c)  
22 U.S.C.f 846  
22 U.S.C. 846 Note

Recognizing its responsibility to serve the foreign reporting needs of other Federal agencies and the particular needs of the Department of the Interior in the fishery field, the Department of State, in consultation with the Department of the Interior and other interested Government agencies, develops appropriate schedules and comprehensive guidance materials for minerals and fishery reports. The Department of State also requests funds for Fisheries and Minerals Officer positions at those posts which are determined by the Department of State, in consultation with the Department of the Interior, to require such positions. These Officers are responsible for discharging the economic and technological reporting requirements for the country in which they are stationed. To date, Fishery Attaches have been appointed to Copenhagen, Denmark; Tokyo, Japan; Mexico City, Mexico; and Abidjan, Ivory Coast.\*

60 Stat. 1002	Public Law 79-724	Act of August 13, 1946
70 Stat. 1121	Public Law 84-1024	Act of August 8, 1956

\* The fishery attache program of the National Marine Fisheries Service is operating under the terms of the May 5, 1959, Memorandum of Understanding.



National Marine Fisheries Service

Fishery Market News Service  
(No code citation)

In Title III of the Act of June 16, 1937, the Department of Commerce Appropriation Act, 1938, the Department is specifically given the authority to collect, publish, and distribute information on the fishery industry, i.e., information on market supply and demand, commercial movement, location, disposition, and market prices of fishery products.

50 Stat. 296      Public Law 75-153      Act of June 15, 1937



National Marine Fisheries Service

Fishery Research and Experimentation (Reservoirs and Flooded Rice Lands)

16 U.S.C. 778-778c

This Act authorizes and directs the Secretary of Commerce to establish stations to carry on a program of research and experimentation to determine species of fish most suitable for commercial culture in shallow reservoirs and flooded rice lands; determine methods of production for stocking and methods for the control of parasites and diseases; develop economical methods of raising the more desirable species; develop suitable methods of harvesting; and with the Department of Agriculture, determine the effects of rotation of fish with rice and other crops. It also authorizes acquisition of lands for purposes of the Act; cooperation with states and other institutions; and publication of the research and experimentation carried on.

72 Stat. 35

Public Law 85-342

Act of March 15, 1958

National Marine Fisheries Service

Fishing Vessel Construction Differential Subsidy (United States  
Fishing Fleet Improvement Act)

46 U.S.C. 1401-1413

This Act authorizes the Secretary of the Interior to pay not less than 35 percent and not more than 50 percent of the cost of construction in a United States shipyard of a new fishing vessel and not more than 35 percent of the cost of construction through the conversion or reconditioning of any vessel to a fishing vessel or through rebuilding any existing fishing vessel in a United States shipyard. Such payments are to be based upon the estimated difference between the cost of constructing or remodeling various classes of fishing vessels in foreign shipyards as compared with such costs in United States shipyards. In considering an application, the Secretary is required to give notice and an opportunity for a public hearing. The present law provides that applications for a subsidy will not be received after June 30, 1972 .

74 Stat. 212	Public Law 86-516	Act of June 12, 1960
78 Stat. 614	Public Law 88-498	Act of August 30, 1964
84 Stat. 307	Public Law 91-279	Act of June 12, 1970

The 1976 Edition of the U.S. Code omits the text of these laws; and offers the following explanations:

1401-1403-omitted as obsolete  
1404-deleted (relating to operations of fishing vessels in  
fisheries suffering injury)  
1405-1413-omitted as obsolete

## National Marine Fisheries Service

### Food Fishes and Investigations - Commissioner of Fish and Fisheries Established

16 U.S.C. 744, 745

The Act of February 9, 1871, establishes the Office of Commissioner of Fish and Fisheries and authorizes the study of food fishes of the coasts and lakes in order to recommend conservation measures.

The Act of March 3, 1887 (an appropriation act of sundry civil expenses of the government) authorizes the continuation of investigation of United States fisheries and the introduction by the United States Fish Commission into United States waters of food fishes, including shellfish.

The Act of June 21, 1916, authorizes investigations to ameliorate the damage to fisheries caused by dogfish and other predacious fishes and aquatic animals, as to develop means of taking such fishes and aquatic animals, utilizing them for economic purposes, especially for food, and to encourage the establishment of fisheries and markets for them.

16 Stat. 593

Joint Res. No. 22,  
41st Cong.

Act of Feb. 9, 1871

24 Stat. 523

No Public law Number

Act of March 3, 1887

39 Stat. 232

Public Law 100,  
64th Cong.

Act of June 21, 1916

National Marine Fisheries Service

Fur Seal Act of 1966

16 U.S.C. 1151-1187

This Act supersedes the Fur Seal Act of 1944 and earlier acts providing for management of the fur seal herd and administration of the Pribilof Islands (32 Stat. 828; 37 Stat. 736; 58 Stat. 100; 61 Stat. 449, 450; 64 Stat. 1071). The Act implements the Interim Convention on the Conservation of North Pacific Fur Seals signed at Washington, on February 9, 1957, as amended by the protocol signed at Washington, on October 8, 1963, by the United States, Canada, Japan, and the Union of Soviet Socialist Republics. The Secretary of Commerce is authorized to conserve and manage the North Pacific fur seals and to administer the special reservation of the Pribilof Islands.

The Act also provides for the protection of sea otters on the high seas.

The Act continues in effect the provision of the Alaska Statehood Act (72 Stat. 339, 341) which gives to that State 70 percent of the net proceeds derived from the sales of seal-skins or sea otter skins made in accordance with the terms of this Act.

80 Stat. 1091

Public Law 89-702

Act of November 2, 1966



National Marine Fisheries Service

Research Grants to Institutions of Higher Education and Scientific Research Organizations

42 U.S.C. 1891-1893

This Act authorizes basic scientific research grants to non-profit institutions of higher education or to non-profit organizations whose primary purpose is the conduct of scientific research. The Act provides for discretionary authority to vest in such institutions or organizations, title to equipment purchased with grant or contract funds, and requires an annual report on such grants to the appropriate Committees of both Houses of Congress. This authority is available to the head of any Federal agency authorized to enter into contracts for basic scientific research with non-profit institutions of higher education, or with non-profit organizations whose primary purpose is to conduct scientific research.

This authority was utilized for several years by the Bureau of Commercial Fisheries but has not been utilized by the National Marine Fisheries Service.

72 Stat. 1793      Public Law 85-934      Act of September 6, 1958

National Marine Fisheries Service

Gulf States Marine Fisheries Commission

(Not Codified)

This Resolution granted the consent and approval of Congress to an interstate compact relating to the better utilization of the fisheries of the Gulf coast and created the Gulf States Marine Fisheries Commission. The compact designates the Fish and Wildlife Service of the Department of the Interior as the primary research agency of the Commission cooperating with the research agencies of each named State.\*

63 Stat. 70      Public Law 66, 81st Cong.      Joint Resolution of  
May 19, 1949

\* Since the Act has not been codified, there is no mechanism for indicating the transfer of responsibilities effected by Reorganization Plan No. 4 of 1970.

National Marine Fisheries Service

Jellyfish - Control or Elimination (Sea Nettles and other  
such pests in the Coastal waters of the United States)

16 U.S.C. 1201-1205

This Act provides for the conservation and protection of the fish and shellfish resource in the coastal waters of the United States and to promote and safeguard water-based recreation. The Secretary of Commerce is authorized to cooperate with and provide assistance to the states and the Commonwealth of Puerto Rico in controlling and eliminating jellyfish and other such pests and in conducting research to control floating seaweed in such waters. The cost of such work shall be borne equally by the Federal Government and by the states and the Commonwealth of Puerto Rico.

The Act consents to any compact between two or more States for the purpose of carrying out the work authorized.

80 Stat. 1149

Public Law 89-720

Act of November 2, 1966

84 Stat. 922

Public Law 91-451

Act of October 14, 1970

86 Stat. 1493

Public Law 92-604

Act of October 31, 1972

## National Marine Fisheries Service

### Lacey Act

18 U.S.C. 43-44

16 U.S.C. 3401

The original Lacey Act (Act of May 25, 1900, 31 Stat. 187) authorized activity in the Department of Agriculture for the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Act prohibited the importation of foreign wild animals or birds except under a permit with exceptions as determined by the Secretary of Agriculture. The Act also prohibited the interstate transportation of foreign animals and birds, the importation of which is prohibited. The law has been amended several times since 1900. During this period Interior has replaced Agriculture, and language changes have been made to apply the transportation prohibition first to "any wild animal or bird of any kind" and more recently to "wildlife" which is defined to mean "...any wild mammal, wild bird, amphibian, reptile, mollusk, or crustacean, ...". The addition of "mollusk or crustacean" by Public Law 91-135, (December 5, 1969, effective June 3, 1970, made this law useful in commercial fisheries management for the first time.

The Act of November 16, 1981 repeals the Act of May 20, 1926 (commonly known as the Black Bass Act; 16 U.S.C. 851-856); and sec. 5 of the Act of May 25, 1900 (16 U.S.C. 667e), and sections 43 and 44 of title 18, U.S.C. (commonly known as provisions of the Lacey Act). The Lacey Act Amendments of 1981 consolidates the above two Acts addressing illegal trade in fish, wildlife, or plants. In addition, the Act broadens the coverage of the present Lacey Act to include wildlife and wildlife parts or products taken in violation of Indian tribal law, and revises the penalty structures and amounts; provides felony punishment for cases involving specific intent and repeat offenders would be dealt with more harshly for unlawful conduct committed after an initial conviction. The Act also revises marking requirements for shipment of fish and wildlife; and specifies in detail the differences between a felony and misdemeanor involving the import and export of species of fish and wildlife subject to Federal, state, or foreign conservation laws.

83 Stat. 279  
95 Stat. 1073

Public Law 91-135  
Public Law 97-79

Act of December 5, 1969  
Act of November 16, 1981



## National Marine Fisheries Service

### Magnuson Fishery Conservation and Management Act of 1976 (FCMA)

16 U.S.C. 1801 et seq.  
22 U.S.C. 1978

The Act extends the U.S. exclusive fishery zone from 12 to 200 nautical miles. It provides exclusive management authority over 1) all fish in the fishery conservation zone, except highly migratory species (defined as tuna); 2) all anadromous species throughout their migratory range beyond the conservation zone, with certain exceptions; and 3) all Continental Shelf fishery resources beyond the conservation zone.

After February 28, 1977, no foreign fishing is authorized within the 200-mile zone or for anadromous species or Continental shelf fishery resources beyond such zone unless 1) it is authorized by an international fishery agreement; 2) reciprocal privileges are granted to U.S. vessels; and 3) each foreign vessel has on board a valid permit issued in accordance with the Act. The total allowable level of foreign fishing within the zone will be that portion of the optimum sustainable yield (OSY) of each fish stock which will not be harvested by vessels of the United States. The eight Regional Fishery Management Councils, authorized by the Act, will determine OSY. The Secretary of State, in cooperation with the Secretary of Commerce, will determine the allocation among foreign nations of the total allowable level of fishing permitted with respect to any fishery subject to exclusive U.S. fishery management authority.

The Act establishes National Standards for fishery conservation and management. The Secretary of Commerce will establish guidelines based on the National Standards, to assist in the development of fishery management plans. The management plans are to be prepared by the Regional Councils. The Secretary of Commerce issues the plans and promulgates regulations to implement plans. Each coastal state will maintain management control over fish within its 3-mile territorial waters unless the Secretary of Commerce finds that state management substantially and adversely affects a management plan. Federal preemption of management authority cannot occur if a fishery is harvested principally inside the state's territorial waters.

The U.S. will renegotiate any bilateral or multilateral fisheries agreements which conflict with the management concepts of the law. Such agreements must lay before Congress for 60 days of continuous session after the date of Presidential transmittal.

Prohibited acts, civil penalties, criminal offenses, and civil forfeitures are set forth in the Act. Enforcement is the responsibility of the Secretary of Commerce and the Secretary of the Department in which the Coast Guard is operating.

Appropriate amendments are made to the Fishermen's Protective Act, Marine Mammal Protection Act, and Atlantic Tunas Convention Act.

The Act of February 21, 1977, cited as the Fishery Conservation Zone Transition Act, gives Congressional approval to Governing International Fishery Agreements (GIFAs) entered into between the U.S. and Bulgaria, Romania, Taiwan, East Germany, Korea, U.S.S.R., and Poland. It also repealed the implementing legislation for the International Convention for the Northwest Atlantic Fisheries.

The Act of March 3, 1977, amends the Fishery Conservation Zone Transition Act to give Congressional approval to GIFA's between the U.S. and Japan, South Korea, Spain, and the European Economic Community (EEC).

The Act of July 26, 1977, provides Congressional approval of the U.S.-Canadian Reciprocal Fisheries Agreement during the period from March 1, 1977, to December 31, 1977.

The Act of December 28, 1977, amends the Fishery Conservation Zone Transition Act to give Congressional approval of the GIFA between the U.S. and Mexico. Also amends section 2 of Reorganization Plan No. 4 of 1970 to authorize a General Counsel and five Assistant Administrators, one of whom shall be for Coastal Zone Management and one of whom shall be for Fisheries.

The Act of July 1, 1978, waives various requirements of the FCMA to permit U.S. and Canadian fishermen to continue fishing off the coasts of each nation during the period terminating on December 31, 1978.

The Act of August 28, 1978, establishes the authority of the Secretary of Commerce to regulate foreign processing vessels that receive fish from U.S. fishing vessels within the fishery conservation zone. It authorizes the Secretary to allow U.S. fishermen to transfer at sea to foreign fishing vessels only the excess fish which will not be utilized by U.S. fish processors. The foreign vessels must have a permit from the Secretary authorizing the receipt of the fish. It requires



the Secretary of the Treasury, in cooperation with the Secretaries of Commerce and State, to submit an annual report to the Congress and the President setting forth (a) a list, by species, of all allocations made to foreign nations by the Secretary of State, (b) all permits issued to foreign nations by the Secretary of Commerce, and (c) all tariff and non-tariff trade barriers imposed by these foreign nations on the importation of such species from the U.S. It provides that fishery management plans promulgated pursuant to the MFCMA must include a finding with respect to the capacity of, and extent to which, domestic processing facilities, on an annual basis, will process fish harvested by U.S. vessels.

The Act of August 15, 1979, prohibits foreign-built fishing vessels flying the U.S. flag from fishing within the 200-mile fishery conservation zone of the U.S., expanding the prior prohibition which only applied within 3 miles of U.S. shores.

In addition, the Act establishes a procedure designed to protect whales, similar to that established by the "Pelly Amendment" to the Fishermen's Protective Act of 1967. Under section 3 of the Act, the Secretary of Commerce has the authority to certify whenever nationals of a foreign country are conducting whaling operations or engaging in trade or taking under circumstances which diminish the effectiveness of the International Whaling Commission (IWC). If and when any nation is found to be in violation of the IWC by the Secretary, the Secretary of State is required to reduce immediately the unharvested portion of any allocation of fish to such nation under the MFCMA by not less than 50%.

Section 4 of the Act provides for the documentation of the Norwegian built vessel, Widow Maker, as a vessel of the U.S., allowing the vessel to be used in the coastwise trade or as a charter fishing vessel in the fisheries of the United States.

The Act of June 28, 1980, amends sec. 302 of the FCMA of 1976 to authorize the Administrator or NOAA to consult with any Regional Fishery Management Council, prior to the issuance, transfer, modification, or renewance of a license or permit for the purpose of deep seabed mining, if such license or permit activities could adversely affect any fishery within the FCMA or anadromous species or Continental Shelf fishery resource subject of the exclusive management authority of the U.S. beyond such zone.

The Act of December 22, 1980, amends the FCMA to provide for a means to reduce foreign fishing within the U.S. fishery conservation zone. It also revises the criteria upon which the Secretary of State and the Secretary of Commerce shall base determinations on the allocation of allowable levels of foreign fishing.

The Act prescribes a higher level of fees to be assessed foreign nations desiring to fish within the fishery conservation zone and establishes a program for observer coverage of foreign fishing activities conducted within the fishery conservation zone. The Act also changes the title of the FCMA to read, the "Magnuson Fishery Conservation and Management Act."

90 Stat. 331	Public Law 94-265	Act of April 13, 1976
91 Stat. 14	Public Law 95-6	Act of February 21, 1977
91 Stat. 18	Public Law 95-8	Act of March 3, 1977
91 Stat. 283	Public Law 95-73	Act of July 26, 1977
91 Stat. 1613	Public Law 97-219	Act of December 28, 1977
91 Stat. 376	Public Law 95-314	Act of July 1, 1978
92 Stat. 519	Public Law 95-354	Act of August 28, 1978
93 Stat. 407	Public Law 96-61	Act of August 15, 1979
94 Stat. 533	Public Law 96-283	Act of June 28, 1980
94 Stat. 3275	Public Law 96-561	Act of December 22, 1980

Reports to Congress: Foreign allocation--July 1 (annually)



## National Marine Fisheries Service

### Marine Mammal Protection Act of 1972

16 U.S.C. 1361 - 1407

The Act establishes a moratorium on the taking of marine mammals and a ban on the importation of marine mammals and marine mammal products with certain exceptions. The Act provides for the establishment of a three-member Marine Mammal Commission supported by a nine-member Committee of Scientific Advisors on Marine Mammals. The Department of Commerce is given responsibility for whales, porpoises, seals, and sea lions. The Department of the Interior is given responsibility for all other marine mammals.

The exceptions to the moratorium are limited. After consultation with the Commission and the Committee of Scientific Advisors, the Secretary (Commerce or the Interior) can issue permits for scientific research and public display, and can waive the moratorium to allow commercial taking and importation. Taking mammals incidental to commercial fishing operations can be done only under a permit from the Secretary. Aleuts, Indians, and Eskimos are allowed to take marine mammals for certain restricted purposes, such as subsistence, and arts and crafts. The Pribilof Islands fur seal program is exempt from the moratorium but the program must be studied for possible future modification.

The Act of July 26, 1978, allows the Japanese salmon fleet fishing in the U.S. fishery conservation zone to take marine mammals incidental to their fishing activities, including Dall porpoises, until June 9, 1981, and after that under a permit. In exchange for this Japan will conduct a joint research program with the U.S. relating to the effects of the salmon fishery on marine mammals.

The law establishes civil and criminal penalties for violations of the law and implementing regulations. It also provides authority for an embargo on imports of fish and fish products from countries which allow fishing methods which are not allowed for U.S. fishermen, or which result in incidental killing or serious injury of marine mammals in excess of United States standards.

The Secretary has the responsibility to initiate, through the Secretary of State, international negotiations for agreements which will generally protect marine mammals. The Secretary is also to cooperate with the states in protecting marine mammals,

and may, where state laws conform to the Act, lift the Federal preemption of state law. The Secretary has the authority to make grants to public and private entities for research relevant to marine mammal protection, and to the states to foster marine mammal protection and management programs.

The 1977 Act adds a new subsection which (1) prohibits commercial whaling in the U.S. fishery conservation zone and (2) prohibits the Federal Government from authorizing construction of any facility in or near Puget Sound or any other navigable waters in the State of Washington east of Port Angeles, which would enable such facility to handle an increase in the volume of crude oil except for oil to be refined for consumption in Washington State.

The Act of 1981 provides that the existing requirement of reducing the incidental take of marine mammal to insignificant levels approaching a zero mortality and serious injury rate, can be satisfied for the tuna purse seine fishery by the use of marine mammal safety techniques and equipment that are economically and technologically practicable. It also provides for the establishment of a cooperative system among fishermen for the monitoring of incidental taking and allows for the incidental taking of a small number of marine mammals which may occur during other activities. It revises the procedure which provides for the return of marine mammal management to the states, and sets up a cooperative Federal/state procedure for marine mammal management in the waters from three to 200 miles offshore. It directs the Secretary of Commerce to undertake a program for research into new methods of locating and catching yellowfin tuna and provide financial assistance for such research.

The Act authorizes appropriation to DOC at a level of \$7.230 million for FY 1982, \$8 million for FY 1983, and \$8.8 million for FY 1984.

86 Stat. 1027	Public Law 92-522	Act of October 21, 1972
90 Stat. 331	Public Law 94-265	Act of April 13, 1976
91 Stat. 1167	Public Law 95-136	Act of October 18, 1977
92 Stat. 380	Public Law 95-316	Act of July 10, 1978
92 Stat. 399	Public Law 95-326	Act of July 28, 1978
95 Stat. 979	Public Law 97-58	Act of October 9, 1981

Reports to Congress: as suspensions occur

National Marine Fisheries Service

Migratory Game Fish Study

16 U.S.C. 760e-760g

This Act directs the Secretary of Commerce to undertake a comprehensive continuing study of the migratory marine fish of interest to recreational fishermen, including species inhabiting offshore waters and species which migrate through inshore waters. Included in such study shall be research on migration, identity of stocks, growth rates, mortality rates, variations in survival, and environmental influences including pollution, to develop conservation policies and management. It authorizes the Secretary to acquire lands, construct facilities, purchase boats, equipment, and apparatus, and to employ persons as necessary. The Secretary may cooperate or contract with state and other institutions and make public the results of the research conducted pursuant to the Act.

73 Stat. 642

Public Law 86-359

Act of September 22, 1959



National Marine Fisheries Service

Milford Shellfisheries Research Center

16 U.S.C. 760h-760i

This Act authorizes the Secretary of the Interior to construct at Milford, Connecticut, a center for shellfisheries production consisting of research facilities, a pilot hatchery, and a training school. The research center shall be used for basic research on the physiology and ecology of commercial shellfish, development of hatchery methods for cultivation of mollusks, and for training persons in advanced methods of shellfish culture. An appropriation of not to exceed \$1.325 million is authorized.\*

75 Stat. 409

Public Law 87-173

Act of August 30, 1961

\* The 1976 Edition of the U.S. Code omits the text of this Act. The codification note makes no reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.



National Marine Fisheries Service

Mussels - Propagation

16 U.S.C. 750-751

This Act authorizes the establishment of a station on the Mississippi River for the rescue of fishes and the propagation of mussels in connection with fish-rescue operations throughout the Mississippi Valley.

42 Stat. 501

Public Law 203,  
67th Cong.

Act of April 28, 1922

## National Marine Fisheries Service

### North Pacific Fisheries Act of 1954

16 U.S.C. 1021-1032

This Act authorizes the Secretary of Commerce to administer and enforce the provisions of the International Convention for the High Seas Fisheries of the North Pacific Ocean to which the United States, Canada, and Japan are parties. Enforcement activities under the Act relating to vessels engaged in fishing and subject to the jurisdiction of the United States are primarily the responsibility of the Secretary and the Secretary of the Department in which the Coast Guard is operating.

The 1978 Act implements the Protocol Amending the International Convention for the High Seas Fisheries of the North Pacific Ocean, signed on April 25, 1978 (INPFC). It expands the provisions applicable to prohibited Acts, civil penalties, criminal offenses, civil forfeitures, and enforcement patterned after the Magnuson Fishery Conservation and Management Act.

Of the four U.S. Commissioners, one must be a U.S. Government official, two must be residents of Alaska, and one must be from Washington State. The non-government Commissioners are eligible to serve only if they are knowledgeable or experienced regarding the fisheries which are subject to management under the INPFC.

The Act allows the Japanese salmon fleet fishing in the U.S. fishery conservation zone to take marine mammals incidental to their fishing activities including Dall porpoises, until June 9, 1981, without first obtaining a permit under the Marine Mammal Protection Act. In exchange for this temporary exemption, Japan will conduct a joint research program with the U.S. relating to the effects of the salmon fishery on marine mammals.

68 Stat. 698	Public Law 83-579	Act of August 12, 1954
71 Stat. 310	Public Law 85-114	Act of July 24, 1957
86 Stat. 784	Public Law 92-471	Act of October 9, 1972
92 Stat. 399	Public Law 95-326	Act of July 28, 1978
92 Stat. 2072	Public Law 95-553	Act of October 30, 1978

## National Marine Fisheries Service

### The Northern Pacific Halibut Act

16 U.S.C. 773 note.

The Act provides authority to the Department of Commerce, Coast Guard, and the Customs Service to enforce provisions of the Convention between the United States and Canada for the preservation of the halibut fishery of the North Pacific Ocean and the Bering Sea.

The Act of May 17, 1982 repeals the Act of 1937, as amended (50 Stat. 325, 67 Stat. 494, 79 Stat. 902). This Act provides authority to the Secretary of Commerce and the North Pacific Fishery Management Council to establish a system of limited access to halibut fishery resources, provided that such a system comports with all of the requirements of the MFCMA. It also authorizes the Secretary of State to provide office space for the International Pacific Halibut Commission, on or near the campus of the University of Washington in the State of Washington. In addition, the Act grants rural coastal villages in Alaska the opportunity to establish a commercial halibut fishery in areas in the Bering Sea during a three-year development period.

The Act authorizes appropriations for fiscal year 1983.

50 Stat. 325  
67 Stat. 494  
79 Stat. 902  
97 Stat. 78

Public Law 75-169  
Public Law 83-228  
Public Law 89-233  
Public Law 97-176

Act of June 28, 1937  
Act of August 8, 1953  
Act of October 1, 1965  
Act of May 17, 1982

## National Marine Fisheries Service

### Northwest Atlantic Fisheries Act of 1950

16 U.S.C. 981-991

This Act authorized enforcement of the provisions of the International Convention for the Northwest Atlantic Fisheries (ICNAF). The 1968 amendment added a new definition to include all forms of animal life (mammals) covered by the Convention. The 1971 amendment changed the Act to provide for certain regulations and authorized inspectors from any signatory nation to enforce the conservation regulations with regard to nationals and vessels of all signatory nations in the area covered by the Convention. Other provisions of the amendment brought the Act into conformity with Reorganization Plan No. 4 of 1970.

The 1973 amendment permitted U.S. participation in international enforcement of fish conservation in additional geographic areas (off the Mid Atlantic coast from Long Island to Cape Hatteras) pursuant to ICNAF.

The Act of February 21, 1977, repealed the implementing legislation for ICNAF.

64 Stat. 1067	Public Law 81-845	Act of September 27, 1950
82 Stat. 419	Public Law 90-420	Act of July 24, 1968
85 Stat. 310	Public Law 92-87	Act of August 11, 1971
88 Stat. 293	Public Law 93-339	Act of July 10, 1973
91 Stat. 18	Public Law 95-6	Act of February 21, 1977



## National Marine Fisheries Service

### Offshore Shrimp Fisheries Act

16 U.S.C. 1100b note.

This Act implements the U.S.-Brazil Fishing Agreements of May 9, 1972, and March 14, 1975, which provide for a specified area off the Coast of Brazil in which U.S. vessel may fish for shrimp. It also declares a number of crustacea, including the American lobster, mollusks, and sponges, as Continental Shelf Fishery Resources.

The Secretary of Commerce is authorized to issue permits to vessel owners for U.S.-documented vessels to engage in fishing in the area of agreement. In addition, the 1975 Act adds further limitations on the number of vessels that can be in the area.

The Act establishes an Offshore Shrimp Fisheries Fund in the Treasury to be used by the Secretary of Commerce to make payments for enforcement expenses as provided for in the Treaty.

Each master or other person in charge of a vessel subject to a permit under this Act shall keep a logbook. This information is to be treated as confidential commercial information. However, the Secretary has the authority to require by subpoena the production of all such logbooks, records, or other information.

Prohibitions are listed in the Act. Enforcement shall be performed jointly by the Secretary of Commerce, the Secretary of the Department in which the Coast Guard is operating, and the Secretary of the Treasury. Also, any authorized law enforcement officers of the Government of Brazil, exercising responsibility under the treaty, shall be empowered to act on behalf of the United States to enforce the provisions of the treaty in the area of agreement.

The provisions of this Act expired Sept. 30, 1977, except for the section declaring creatures of the shelf.

87 Stat. 1061  
89 Stat. 266

Public Law 93-242  
Public Law 94-58

Act of January 2, 1974  
Act of July 24, 1975

National Marine Fisheries Service

Outer Continental Shelf (OCS) Lands Act Amendments of 1978  
(Fishermen's Contingency Fund)

43 U.S.C. 1801

Title IV of the OCS Act authorizes the Secretary of Commerce to establish a \$1 million Fishermen's Contingency Fund in the U.S. Treasury to be used as a revolving fund for the purpose of compensating fishermen for damages to fishing vessels, gear, and any resulting economic loss due to activities related to OCS oil and gas exploration, development, or production. The Secretary of the Interior is authorized to collect fees from holders of leases, permits, easements, or rights-of-way in those areas and deposit them in the Fund. The Secretary of Commerce has authority to create and maintain area accounts within the Fund for any area of the Outer Continental Shelf.

The Act contains provisions which (1) require the marking of OCS equipment to identify the party responsible for it and provide for the payment of claims; (2) establish certain presumptions about the validity of claims; (3) provide for adjudication of claims; (4) require an annual report to the Congress; and (5) require the Secretary to conduct a two-year survey of obstructions on the OCS which could pose hazards to commercial fishing, and to develop appropriate identifying charts.

92 Stat. 629

Public Law 95-372

Act of September 18, 1978

National Marine Fisheries Service

Oysters - Propagation of Disease

16 U.S.C. 760j-760 l

This Act authorizes the Secretary of the Interior, with respect to states where excessive oyster mortality presents an immediate and substantial threat to the industry's economic stability, to acquire oyster brood stock resistant to the disease causing the mortality, and to distribute such brood stock to the States concerned in accordance with cooperatively developed plans. It also authorizes the making of grants to states to assist in the financing of research and other activities necessary in the development of disease-resistant strains of oysters.\*

76 Stat. 356      Public Law 87-580      Act of August 9, 1962

\* The 1976 Edition of the U.S. Code omits the text of both Acts. Codification note makes no reference to Reorganization Plan No. 4 of 1970 and the transfer made thereunder.

National Marine Fisheries Service

Pacific Northwest Electric Power Planning and Conservation Act

16 U.S.C. 839

The purpose of the Act is to provide assistance to the electrical consumers of the Pacific Northwest through the Federal Columbia River Power System to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, and to assure the region of an efficient and adequate power supply. Under the Act, the Administrator of the Bonneville Power Administration, is directed to establish rates for the sale and disposition of electric power and the transmission of non-Federal power, and electric power sold to meet the general requirements of public, cooperative, and Federal agency customers with the Pacific Northwest, and electric utility customers.

The Act establishes the Pacific Northwest Electric Power and Conservation Planning Council composed of representatives from the States of Washington, Oregon, Idaho, and Montana to adopt a comprehensive program to protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat, particularly anadromous fish affected by the development and operation of any hydroelectric project of the Columbia River and its tributaries.

94 Stat. 2697

Public Law 96-501

Act of December 5, 1980



National Marine Fisheries Service

Pacific Northwest Salmon and Steelhead Conservation and  
and Enhancement Act of 1980

16 U.S.C. 3301

The Act of December 22, 1980, combines two major pieces of legislation into a single law.

Title I of the Act establishes a salmon and steelhead management and enhancement program applying to the Columbia River and the State of Washington. The Secretary is authorized to establish a program to provide grants to prepare for a coordinated research, enforcement, enhancement, and management program (\$3 million is authorized for this purpose). The Secretary of the Interior, in consultation with the Secretary of Commerce, will provide grants for enhancement projects as part of a comprehensive plan. An amount of \$45 million is authorized for the 10-year period beginning on October 1, 1982 for Washington, and \$25 million is authorized for the same period for the Columbia River. Also authorized is \$7 million for steelhead enhancement for both States for the same period of time. The Secretary of Commerce is authorized to implement a commercial and charter fishing vessel buy-back program. This program would be based on a plan submitted by the State of Washington (\$37.5 million is authorized for the buy-back program for the 5-year period).

A separate authorization at a level of \$5 million is provided to the Secretary of Commerce for the purpose of developing fisheries port facilities in the State of Oregon.

A separate section of the Act gives Congressional approval to the United States-Portugal Governing International Fisheries Agreement.

94 Stat. 3275

Public Law 96-561

Act of December 22, 1980

## National Marine Fisheries Service

### Pacific States Marine Fishery Commission

#### Not Codified

The Act of July 24, 1947 grants the consent and approval of Congress to an interstate compact relating to the utilization of the fisheries (marine, shell, and anadromous) of the Pacific coast, creating the Pacific Marine Fisheries Commission. The compact designates the Fish and Wildlife Service of the Department of the Interior as the primary research agency of the Commission cooperating with the research agencies of each named state.\* The duty of the Commission shall be to make inquiry and ascertain such methods, practices, circumstances, and conditions for bringing about the conservation and the prevention of the depletion of the fisheries of the Pacific Ocean.

The Act of October 9, 1962 amends the Pacific Marine Fisheries Compact to extend the participation in such compact to the States of Alaska and Hawaii and any other state having rivers or streams tributary to the Pacific Ocean.

The Act of July 10, 1970 amends the compact to authorize the compacting states to limit the production of fish or fish products for the purpose of establishing or fixing the prices thereof.

61 Stat. 418	Public Law 8-232	Act of July 24, 1947
76 Stat. 763	Public Law 87-766	Act of October 9, 1962
84 Stat. 415	Public Law 91-315	Act of July 10, 1970

\*Since the Acts have not been codified, there is no mechanism for indicating the transfer of responsibilities affected by Reorganization Plan No. 4 of 1970.

National Marine Fisheries Service

Pollution from Ships (MARPOL) - Fisheries Loan Fund

33 U.S.C. 1901

The Act implements the Protocol of 1978, known as the "Marpol Protocol," to protect the marine environment through the establishment of pollution prevention standards and other requirements for tankers. The Act delegates to the Secretary of Transportation the authority to administer the Act. The Act requires that port owners maintain "reception facilities," holding tanks, or other secure storage facilities for oil and hazardous wastes which a ship might carry in ballast after delivering a cargo.

In addition, the Act extends the Fisheries Loan Fund through FY 82 at a level of \$6 million to provide loans to vessel owners who have been adversely affected by current economic conditions, including those whose vessel financing was guaranteed by the Government under the Fishing Vessel Obligation Guarantee Program.

94 Stat. 2297

Public Law 96-478

Act of October 21, 1980



## National Marine Fisheries Service

Act of July 1, 1954, as amended (sometimes known as the Saltonstall-Kennedy (S-K) Act of 1954)

15 U.S.C. 713c-3

The Act of July 1, 1954, was enacted as an amended section 2 of the Act of August 11, 1939 (53 Stat. 1411). The 1939 Act dealt only with the purchase and distribution of surplus fishery products. The broader 1954 Act directs the Secretary of Agriculture to transfer annually to the Secretary of Commerce, from funds made available under the terms of section 32 of the Agricultural Adjustment Act (7 U.S.C. 612c), an amount equal to 30 percent of the gross receipts from customs duties collected on fishery products. Such funds are to be maintained in a separate fund and used by the Secretary of Commerce to promote the free flow of domestically-produced fishery products by conducting a fishery educational service, and technological, biological, and related research programs. The funds may also be used for purchase or other acquisition, construction, equipment, operation, and maintenance of vessels or other facilities for conducting the research authorized. In addition, the funds may be used to develop and increase markets for domestic fishery products and to conduct biological, technological, or other research pertaining to American fisheries. Agencies of the United States and Government Corporations are authorized to transfer to the Secretary, without reimbursement, vessels or equipment for the activities authorized.

The Secretary is directed to cooperate with appropriate agencies of Federal, State, and local governments, private agencies, organizations, and individuals having an interest in fisheries in carrying out the activities authorized by the Act.

The Secretary is authorized to retransfer to Agriculture not more than \$1.5 million to be used for the purchase and distribution of surplus fishery products (see Acquisition and Disposal of Surplus Fishery Products, page 17).

The Act of December 22, 1980, makes a number of amendments to the Saltonstall-Kennedy (S/K) Act relative to the availability and use of funds for fisheries research and development projects. It authorizes the Secretary of Commerce to appoint six U.S. fishery trade officers to promote U.S. fishing interests.

68 Stat. 376  
70 Stat. 1124  
79 Stat. 1311  
97 Stat. 3275

Public Law 83-466  
Public Law 84-1024  
Public Law 89-348  
Public Law 96-561

Act of July 1, 1954  
Act of August 8, 1956  
Act of November 8, 1965  
Act of December 22, 1980



National Marine Fisheries Service

Sockeye Salmon or Pink Salmon Fishing Act of 1947

16 U.S.C. 776-776f

This Act provides for the implementation and enforcement of the terms of the Convention between the United States and Canada for the protection, preservation of the sockeye salmon fisheries of the Fraser River system, signed at Washington on May 26, 1930, as amended by the protocol to the convention of December 28, 1956 which added pink salmon.

The Act was amended October 18, 1972, to provide an additional appropriation authorization of \$7,000,000 for the United States share of costs and expenses incident to the development and construction of salmon enhancement facilities pursuant to the program approved by the Commission for restoration and extension of the sockeye and pink salmon stocks of the Fraser River system.

61 Stat. 511  
71 Stat. 293  
86 Stat 907

Public Law 80-255  
Public Law 85-102  
Public Law 92-504

Act of July 29, 1947  
Act of July 11, 1957  
Act of October 18, 1972

## National Marine Fisheries Service

### Sponge Act

16 U.S.C. 781-785

This Act regulates the taking or catching of sponges in the waters of the Gulf of Mexico and Straits of Florida outside of state jurisdiction. It also regulates the landing, delivery, curing, selling, or possession of sponges. It sets a minimum wet size of sponges allowed at five inches maximum diameter; provides a maximum fine of \$500 and a lien against vessel used in committing violation; vests the Secretary of Commerce with responsibility for enforcing the Act and authorizes him to request the use of Coast Guard craft and employees of Customs Service to assist in enforcement.

The Act of August 15, 1914, repeals an earlier act for the regulation of the sponge fishery (Act of June 20, 1906; 34 Stat. 313).

The amendment made by the Act of August 4, 1949, concerns only a change from the Revenue Cutter Service to the Coast Guard in describing enforcement procedures.

38 Stat. 692	Public Law 172, 63rd Cong.	Act of August 15, 1914
63 Stat. 495, 561	Public Law 81-207	Act of August 4, 1949

## National Marine Fisheries Service

### Tuna Conventions Act of 1950

16 U.S.C. 951-961

22 U.S.C. 2672a - 2672b

The Act provides for the appointment of Commissioners and Advisory Committees for the Inter-American Tropical Tuna Commission. It authorizes the approval or disapproval of annual programs of the Commission and regulations of the Commission requiring the submission of records of operations by persons participating in the fishery covered by the Convention.

The Act of October 15, 1962, authorizes the Secretary of Commerce to issue regulations to carry out recommendations of the Inter-American Tropical Tuna Commission, upon approval of such recommendations by the Secretaries of Commerce and State, concerning proposals designed to keep the populations of tuna at levels of abundance which will permit the maximum sustained catch. Regulations may also be issued with the concurrence of the Secretary of State prohibiting the entry into the United States of fish from any country whose vessels are being used in a manner that tends to diminish the effectiveness of the Commission's conservation recommendations.

The Act of October 9, 1972, repeals section 5 of the 1950 Act which provides that service of individuals appointed as U.S. Commissioners shall not be treated as service for the purposes of certain sections of Title 18, Crimes and Criminal Procedures, and Title 5, Government Organizations and Employees.

64 Stat. 777	Public Law 81-764	Act of September 7, 1950
76 Stat. 923	Public Law 87-814	Act of October 15, 1962
86 Stat. 787	Public Law 92-471	Act of October 9, 1972
94 Stat. 1069	Public Law 96-339	Act of September 4, 1980

National Marine Fisheries Service

Whale Conservation and Protection Study Act

16 U.S.C. 917 note.

This Act requires the Secretary of Commerce to conduct comprehensive studies of all whales found in waters subject to the jurisdiction of the United States, including the 200-mile fisheries conservation zone established under the MFCMA, and to report to the Congress of the results of these studies, together with recommendations for legislation action, by January 1, 1980. All Federal agencies are required to cooperate with the Secretary of Commerce in preparing the study and recommendations.

In addition, the Act directs the Secretary of Commerce, through the Secretary of State, to initiate negotiations for bilateral agreements with Mexico and Canada for the protection of whales.

90 Stat. 249

Public Law 94-532

Act of October 17, 1976

Report submitted to Congress: March, 1979



National Marine Fisheries Service

Whaling Convention Act of 1949

16 U.S.C. 916-916 1  
22 U.S.C. 2672a - 2672b.

This Act provides for the licensing, enforcement of regulations, and research to assist the International Whaling Commission established by the International Convention for the Regulation of Whaling signed at Washington, December 2, 1946.

The Act of August 15, 1979, the Department of State Authorization Act FY 80-81, makes a declaration by the Congress urging a moratorium on the commercial killing of whales.

64 Stat. 421  
93 Stat. 403

Public Law 81-676  
Public Law 96-60

Act of August 9, 1950  
Act of August 15, 1979

## Office of Coastal Zone Management

### Coastal Zone Management Improvement Act

16 U.S.C. 1451 note.

43 U.S.C. 1801

The Act of October 27, 1972, authorized the Secretary of Commerce to make grants and enter into contracts with any coastal state for purposes of developing and implementing a management program for the coastal zone, and for acquiring and operating estuarine sanctuaries. The Act of July 26, 1976, incorporates additional planning requirements (beach access, energy facilities, and shoreline erosion) as well as additional funding for grants, loans, and bond guarantees to a coastal state to deal with impacts resulting from coastal energy activities. It also authorized grants for interstate projects and for research and technical assistance.

Title V of the Act of September 18, 1978, the "Outer Continental Shelf Lands Act Amendment of 1978", makes substantial changes in the CZMA of 1972, as amended. The authorization level for the formula grants under section 308(b) of the CZMA for the financing of public facilities, public services, and environmental costs associated with OCS energy activities, is increased from \$50 million annually to \$130 million annually for a period of ten years (1979-1989). A new formula for allocating these grants to affected coastal states is to be incorporated into the CZMA. Also, a maximum of 37-1/2 percent and a minimum of 2 percent of the amount appropriated under sec. 308(b) is established as ceiling and floor amounts which any individual coastal state may receive in a fiscal year. In addition, a new section 308(c) (2) provides \$5 million through fiscal year 1983 for grants to help states fulfill their administrative requirements in relation to the policy, operation, and managerial aspects of the Federal leasing program.

The Act of October 20, 1980, authorizes the Secretary to make grants up to 90% of the cost of administering a state's Federally-approved coastal zone management plan; and to provide 50% matching grants to coastal states to acquire, develop, or operate estuarine areas and also for preservation of islands. No grant for acquisition of land may be made without the approval of the Governor of the state in which is located the land proposed to be acquired.

In addition, the Act authorizes appropriations through FY 85 at a level of \$48 million for administrative grants, \$20 million for resource management improvement grants, \$3 million for interstate grants, \$9 million for estuarine sanctuaries, and \$6 million for program administration funds. It also provides \$75 million each for fiscal years 1980 through 1988 for OCS formula grants and funds at a level of \$150 million for planning, OCS participation, and coal and alternative ocean energy impacts.

86 Stat. 1280	Public Law 92-583	Act of October 27, 1972
88 Stat. 1974	Public Law 93-612	Act of January 2, 1975
90 Stat. 1013	Public Law 94-370	Act of July 26, 1976
92 Stat. 629	Public Law 95-372	Act of September 18, 1978
94 Stat. 2060	Public Law 96-464	Act of October 17, 1980

Reports to Congress: April 1 (biennially)

## Office of Coastal Zone Management

### Marine Protection, Research, and Sanctuaries Act of 1972 (Marine Sanctuaries)

16 U.S.C. 1431

Title III of the Act authorizes the Secretary of Commerce to designate as marine sanctuaries areas of ocean waters as far seaward as the outer edge of the Continental Shelf, coastal waters where the tide ebbs and flows, or waters of the Great Lakes and their connecting waters, for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values. Before such designation, the Secretary is required to consult with the Secretaries of State, Defense, the Interior, and Transportation, and the Administrator of the Environmental Protection Agency. The Secretary must also obtain the approval of the President. If the designation is to include waters within the territorial limits of any state or waters over the subsoil and seabed within the seaward boundary of a coastal state as defined in the Submerged Lands Act (43 U.S.C. 1301(b)), the Secretary must first consult with, and give due consideration to the views of, state officials involved. The Governor of any state thus involved has a veto power over all or any part of the designation. A public hearing is required to be held in the coastal area affected prior to the designation.

The Secretary, in consultation with other interested Federal agencies, shall issue regulations to control any activities permitted within the designated sanctuary. Civil penalties for violation of the regulations are provided.

The Act of August 29, 1980 amends Title III of the Act to grant to elected Governors of territories or possessions, the same consultation and disapproval rights granted to Governors of states in the marine sanctuary designation process (sec. 301). It provides that the designation of a marine sanctuary shall become effective unless part of all of its terms are disapproved by a concurrent resolution adopted by both Houses of Congress, or the Governor of a state whose waters are included in the designated marine sanctuary certified (within a 60-day period after publication of the designation) that the designation or specific terms of it are unacceptable to his State. If the Secretary does not withdraw the designation after disapproval or modification by a Governor or the Congress, only those portions of the designation not certified as



unacceptable or disapproved will take effect. The Act requires the Secretary, after consultation with other Federal and state agencies, to issue regulations to control activities and provides that all permits, licenses, and other authorizations issued pursuant to any other authority shall be valid unless such marine sanctuary regulations otherwise provide. The Act also authorized appropriations at a level of \$2.250 million for fiscal year 1981 (sec. 304).

The Act of December 26, 1981, created the national marine sanctuaries program which requires the Secretary of Commerce, through NOAA and with the President's approval, to designate a marine sanctuary. In addition, it authorizes appropriations for title III at a level of \$2.235 million for fiscal years 1982 and 1983.

89 Stat. 303	Public Law 94-62	Act of July 25, 1975
90 Stat. 725	Public Law 94-326	Act of June 30, 1976
94 Stat. 1057	Public Law 96-332	Act of August 29, 1980
95 Stat. 1512	Public Law 97-109	Act of December 26, 1981

## Office of Coastal Zone Management

### Outer Continental Shelf (OCS) Lands Act of 1978

43 U.S.C. 1801 - 1845

Title IV of the OCS Act authorizes the Secretary of Commerce to establish a \$1 million Fishermen's Contingency Fund in the U.S. Treasury to be used as a revolving fund for the purpose of compensating fishermen for damages to fishing vessels, gear, and any resulting economic loss due to activities related to OCS oil and gas exploration, development, or production. The Secretary of the Interior is authorized to collect fees from holders of leases, permits, easements, or rights-of-way in those areas and deposit them in the Fund. The Secretary of Commerce has authority to create and maintain an area accounts within the Fund for any area of the OCS. The Act contains provisions which require the marking of OCS equipment to identify the party responsible for it and provide for the payment of claims; establish certain presumptions about the validity of claims; provide for adjudication of claims; and require the Secretary to conduct a two-year survey of obstructions on the OCS which could pose hazards to commercial fishing; and to develop appropriate identifying charts.

Title V of the Act makes substantial changes in the Coastal Zone Management Act of 1972, as amended. The authorization level for the formula grants under section 308(b) of the CZMA for the financing of public facilities, public services, and environmental costs associated with OCS energy activities, is increased from \$50 million annually to \$130 million annually for a period of ten years (1979-1989). A new formula for allocating these grants to affected coastal states is to be incorporated into the CZMA. Also a maximum of 37-1/2 percent and a minimum of 2 percent of the amount appropriated under section 308(b) is established as ceiling and floor amounts which any individual coastal state may receive in a fiscal year. In addition, a new section 308(c) (2) provides \$5 million through fiscal year 1983 for grants to help states fulfill their administrative requirements in relation to the policy, operation, and managerial aspects of the Federal leasing program.

The Act of June 30, 1982, amended title IV of the OCS Act to raise the ceiling on the maximum amount of money that can be collected from \$1 million to \$2 million in the general Fund, and provides for payment of up to 25% of gross income lost as a result of a damage or loss from which a claim arises.

The Secretary of Commerce is responsible for decisions on all claims. The Act also extends the filing period for claims from 5-days after the discovery of a damage to 15-days after the fishing vessel returns to port. In addition, the Act extends several bilateral international agreements under which foreign vessels fish in the U.S. 200-mile fishery conservation zone.

92 Stat. 629  
96 Stat. 143

Public Law 95-372  
Public Law 97-212

Act of September 18, 1978  
Act of June 30, 1982



## Office of Research and Development

### Chesapeake Bay Research

16 U.S.C. 3001

The purpose of the Act is to provide for the rational and effective coordination of Federally-conducted and supported research aimed at increasing fundamental knowledge in support of the management of the Chesapeake Bay area. It directs the Secretary of Commerce to establish an Office for Chesapeake Bay Research Coordination which shall serve as the staff of the Chesapeake Bay Research Board. The Office shall be headed by a Director who shall be appointed by the Secretary of Commerce in consultation with the Administrator of EPA, and the Secretaries of the Army, the Interior, and the Smithsonian Institution.

The Office shall identify Federal and state research programs relating to the Bay area for the purpose of promoting understanding, improved management, and protection of the marine or coastal-related resources (including such things as water quality, coastal zone management, navigation, shoreline erosion, wetlands, fisheries, shellfish, and wildlife). They shall also establish a Chesapeake Bay Research Exchange for the purpose of facilitating the identification, acquisition, retrieval, dissemination, and use of information concerning all research projects which are conducted in or affect the Chesapeake Bay area.

A Chesapeake Bay Research Board shall be established to be made up of 15 members (four each to be selected by the Governors of Maryland and Virginia, and seven by the Secretary of Commerce in consultation with other Federal agency heads). The Board shall develop a Chesapeake Bay Research Plan and evaluate Federal research programs. Funds shall be provided to the Office in the amount of \$500,000 for each of fiscal years 1982, 1983, and 1984.

94 Stat. 2044

Public Law 96-460

Act of October 5, 1980

Reports Due: The Board shall submit an annual report to Congress and the Governors of Maryland and Virginia on research programs pertaining to the Bay area and their relationship to the Plan; and the General Accounting Office shall submit to the Congress at the end of FY'84 an evaluation of the effectiveness of the Office, Board, and the Act.



Office of Research and Development

Comprehensive Environmental Response, Compensation, and  
Liability Act of 1980  
(Hazardous Substances)

42 U.S.C. 9601

The Act provides a system of response, liability, and compensation for releases of hazardous substances and hazardous wastes, excluding oil. Under the Act, certain funds are established for the payment of cleanup costs, out-of-pocket medical expenses for victims of chemical poisons, and natural resource damages (including the resources of the fishery conservation zone established by the Magnuson Fishery Conservation and Management Act of 1976), and any other resources belonging to, managed by, or controlled by the United States, any state or local government, or any foreign government. The Act also establishes a strict liability for the release of hazardous wastes that require cleanup, and mandates remedial Government response to releases of hazardous substances. Civil penalties for violation of the regulations are provided.

The Act creates a Hazardous Substance Response Trust Fund to pay for certain losses. A claim against the Fund may only be asserted by the President, as trustee for the natural resources covered by the Act. Executive Order 12316, dated August 14, 1981 delegated the Secretary of Commerce as trustee for marine resources. The Secretary, in turn, delegated the trusteeship to the Administrator of NOAA.

94 Stat. 2767

Public Law 96-510

Act of December 11, 1980

Office of Research and Development

Marine Protection, Research, and Sanctuaries Act of 1972  
(Ocean Dumping)

33 U.S.C. 1401

Title I of the Act establishes a system to regulate the transportation of materials from the United States for dumping into ocean waters over which the United States has jurisdiction, direct or implied under international law, in order to protect its territory or territorial sea. This title is administered by the Administrator of the Environmental Protection Agency, the Secretary of the Army, and the Secretary of the Department in which the Coast Guard is operating.

Title II of the Act directs the Secretary of Commerce, in cooperation with the Administrator of the Environmental Protection Agency and the Secretary of the Department in which the Coast Guard is operating, to initiate a comprehensive and continuing program of monitoring and research regarding the effects of ocean dumping. The Secretary of Commerce, in consultation with other appropriate Federal entities, is directed to initiate a comprehensive and continuing program of research with respect to possible long-range effects of pollution, overfishing, and man-induced changes of ocean ecosystems.

In carrying out these responsibilities, the Secretary is authorized to utilize the resources of other Federal entities, including the Coast Guard, for monitoring purposes. The Secretary is to cooperate with and render financial and other assistance to public authorities at all levels, private institutions, and individuals to promote coordination of research, investigations, and studies to determine the means of minimizing or ending all dumping of materials.

The Act of October 6, 1980, amends section 203 of the existing law, to transfer authority from NOAA to the Environmental Protection Agency (EPA) to conduct studies on land-based alternatives to ocean dumping. It directs the Secretary of Commerce, acting through NOAA, to make scientific assessments of damages to natural resources from spills of petroleum or petroleum products (sec. 202).

The Act of December 22, 1980, amends section 106 of the Act to consider the waters of Long Island Sound as ocean waters for the purposes of ocean dumping regulations. It adds a new section to Title II to direct the Administrator of EPA to conduct a study to assist the city of New York in evaluating options for the removal of heavy metals and other toxic organic materials from sewage sludge (sec. 205). After Dec. 31, 1981, the Administrator of EPA, after consultation with the Secretary of Commerce, may issue permits under Title I for the dumping of industrial waste into the ocean waters, only if the Administrator determines that the proposed dumping is necessary to conduct research on new technology or whether the ocean dumping of a new or little understood substance will, in fact, be harmful to the human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentials.

86 Stat. 1052	Public Law 92-532 (Titles I & II)	Act of Oct. 23, 1972
88 Stat. 50	Public Law 93-254 (Title I)	Act of Mar. 22, 1974
88 Stat. 1430	Public Law 93-472 (Title I)	Act of Oct. 26, 1974
89 Stat. 303	Public Law 94-62 (Titles II & III)	Act of July 25, 1975
90 Stat. 725	Public Law 94-326 (Titles II & III)	Act of June 30, 1976
91 Stat. 1255	Public Law 95-153 (Titles I & II)	Act of Nov. 4, 1977
94 Stat. 1523	Public Law 96-381 (Title II)	Act of Oct. 6, 1980
94 Stat. 3344	Public Law 96-572 (Titles I & II)	Act of Dec. 22, 1980
95 Stat. 100	Public Law 97-16 (Title I)	Act of June 23, 1981



Office of Research and Development

National Sea Grant College and Program Act

33 U.S.C. 1121

The Act of June 17, 1966, authorized the National Science Foundation to initiate and support programs at sea grant colleges and other institutions, through grants and contracts, for necessary research, education, and advisory services in the various fields related to the development of marine resources. A transfer of functions accomplished by Reorganization Plan No. 4 of 1970 places this authority within the Department of Commerce.

The Act of October 8, 1976, amended the earlier legislation to authorize grants for both national and international projects for the development and conservation of the ocean and coastal resources through the promotion of a strong educational base.

The Act of June 28, 1980, instructs the Director of the Office of Sea Grant/NOAA to encourage cooperation and coordination with other Federal programs concerned with ocean and coastal resource conservation and usage; permits members of the Sea Grant Review Panel to serve two full terms; brings the Great Lakes specifically within the mandate of the basic statute; and provides for the renting of rooms to conduct meetings with potential beneficiaries of Sea Grant Services.

In addition, the Act authorizes funds for the Sea Grant programs for fiscal years 1981-1983 to be provided to colleges and universities for marine related research, education, and advisory services.

80 Stat. 203	Public Law 89-454	Act of June 17, 1966
80 Stat. 999	Public Law 89-688	Act of October 15, 1966
82 Stat. 704	Public Law 90-477	Act of August 11, 1968
90 Stat. 1961	Public Law 94-461	Act of October 8, 1976
91 Stat. 254	Public Law 95-58	Act of June 29, 1977
92 Stat. 999	Public Law 95-428	Act of October 7, 1978
94 Stat. 605	Public Law 96-289	Act of June 28, 1980



Office of Research and Development

Low-Level Radioactive Waste Policy Act

42 U.S.C. 2021b.

The Act establishes a Federal policy for the disposal of low-level radioactive waste. Under the Act, the states would be responsible for ensuring that low-level nuclear wastes are adequately managed. The Act authorizes the states to enter into compacts with other states for the establishment and operation of regional disposal facilities. In addition, the Act gives responsibility to the Department of Energy for the disposal of defense-generated waste or for the disposal of waste generated as a result of Federal research and development activities. Also, the Act directs the Department of Energy to submit a report to the Congress and to each state on matters related to the disposal of low-level radioactive waste.

94 Stat. 3347      Public Law 96-573      Act of December 22, 1980

Office of Research and Development

Solid Waste Disposal

42 U.S.C. 6901

The Act amends the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, to promote the safe disposal of hazardous wastes, and to encourage recycling and conservation of wastes. The Act authorizes EPA to order cleanup of a dump that may present a imminent threat to health or the environment. The Act also establishes an interagency committee (which includes DOC) to coordinate Federal resource conservation and recovery efforts, and programs for recovering energy from solid wastes. Under the Act, the Secretary of Commerce is authorized to develop specifications and to promote markets for recycled materials and for exchange of valued materials which might otherwise be discarded as waste.

The Act authorizes \$514.5 million through fiscal year 1982 (\$5 million for DOC) for administering the Solid Waste Disposal Act and \$36 million for fiscal year 1983 through 1985 for certain state and local grant programs.

94 Stat. 2334

Public Law 96-482

Act of October 21, 1980

Office of Research and Development

Syn-Fuels (Acid Rain)

42 U.S.C. 8701

The Act, known as the "Energy Security Act", establishes the Synthetic Fuels Corporation to develop resources of synthetic fuels such as oil from coal shale. The Act also establishes in Title VII an Acid Precipitation Task Force to implement a comprehensive ten-year program to identify causes, social and environmental impacts, and solutions to the acid rain problem. The Task Force shall consist of NOAA, EPA, and DOA with the Administrator of NOAA serving as the Director of the research program.

94 Stat. 611

Public Law 96-294

Act of June 30, 1980

## Office of Research and Development

### Weather Modification Reporting

15 U.S.C. 330-330e

The Act of December 18, 1971, provides that no person may engage, or attempt to engage, in any weather modification activity in the United States unless he submits to the Secretary of Commerce such reports with respect thereto. The Secretary shall maintain a record of weather modification activities, including attempts which take place in the United States, and shall publish summaries thereof from time to time.

The Act of October 13, 1976, requires the Secretary of Commerce to conduct a comprehensive examination of investigation on the state of scientific knowledge concerning weather modification. It requires a review of the present state of weather modification technology, problems impeding effective implementation of weather modification technology and other related matters. The Act also requires the Secretary to prepare and submit to the President and the Congress a report on the findings, conclusions, and recommendations of the study.

85 Stat. 735	Public Law 92-205	Act of December 18, 1971
88 Stat. 1212	Public Law 93-436	Act of October 5, 1974
90 Stat. 2359	Public Law 94-490	Act of October 13, 1976



Office of Research and Development

Wind Energy Systems Act

42 U.S.C. 9201

The Act establishes a research and development demonstration and technology applications program for converting wind energy into electricity and mechanical energy. The Act directs the Secretary of Energy to prepare a comprehensive program management plan which shall include a 5-year program for small wind energy systems, an 8-year program for large wind energy systems, and a 3-year program for wind resource assessment. As part of the 3-year program, the Secretary, in consultation with the Administrators of NOAA, NASA, and EPA, shall establish a national wind data center to make public information available on the known wind energy resources of various regions throughout the United States. In addition, the Act authorizes the Secretary, with the cooperation of the Departments of Commerce and State, to initiate and conduct a Federal applications study for wind energy systems to determine the potential for the use of wind systems at specific Federal facilities.

The Act provides funds at a level of \$10 million for FY 81 for the wind energy assessment program.

94 Stat. 1139

Public Law 96-345

Act of September 8, 1980

Environmental Data and Information Service

Deepwater Port Act of 1974

33 U.S.C. 1501 et seq.

The Purpose of this Act is to:

- (1) Authorize and regulate the location, ownership, construction, and operation of deepwater ports in waters beyond the territorial limits of the United States;
- (2) Provide for the protection of the marine and coastal environment to prevent or minimize any adverse impact which might occur as a consequence of the development and such ports;
- (3) Protect the interests of the United States and those of adjacent coastal states in the location, construction, and operation of deepwater ports; and
- (4) Protect the rights and responsibilities of states and communities to regulate growth, determine land use, and otherwise protect the environment in accordance with law.

33 U.S.C. 1504(b) The Secretary, in consultation with the Secretary of the Interior and the Administrator of NOAA, shall prescribe regulations relating to those activities involved in site evaluation and preconstruction testing at potential deepwater port locations.

33 U.S.C. 1505(a) The Secretary, in accordance with the recommendations of the Administrators of EPA and NOAA, and after consultation with any other Federal agencies having jurisdiction over any aspect of the construction or operation of a deepwater port, shall establish environmental review criteria consistent with the National Environmental Policy Act.

88 Stat. 2126, 2131, 2135	Public Law 93-627	Act of Jan. 3, 1975
91 Stat. 177	Public Law 95-36	Act of June 1, 1977

## National Ocean Survey

Recognizing the need for assisting and encouraging domestic and foreign commerce, Congress passed the Act of 10 February 1807 (2 Stat. 413) which authorized President Thomas Jefferson to "cause a survey to be taken of the coast of the United States in which shall be designated the islands and shoals, with the roads or places of anchorage, within twenty leagues of any part of the shores of the United States; and also the respective courses and distances between the principal capes, or head lands, together with such other matters as he may deem proper for completing an accurate chart of every part of the coast within the extent aforesaid". The Act also provided for "such examinations and observations...with respect to St. Georges Bank, and any other bank or shoal and the soundings and currents beyond the distance (20 leagues) aforesaid to the Gulf stream, as...may be especially subservient to the commercial interests of the United States"

The Act of 10 July 1832 (4 Stat. 570) which amended the Act of 10 February 1807, increased the geographic area of responsibility by including Florida, and authorized the President to "use all maps, charts, books, instruments and apparatus, which now; or hereafter may belong to the United States, and...such astronomers and other persons as he shall deem proper". Under the provisions of this Act vessels and personnel of the Navy Department were regularly employed on all hydrographic and oceanographic work. Commissioned officers of the Topographic Bureau of the War Department, with qualified civilian special assistants were employed on topographic and geodetic surveys. All activities, usually referred to as the "survey of the coast", were under the direction of a superintendent; and for administrative purposes all functions were placed under the Secretary of the Treasury. In 1836 the title was changed to "Coast Survey".

In 1842, a Congressional investigation concerning the administration of the Bureau resulted in a complete endorsement of the principals on which the work had been undertaken but recommended a permanent plan of organization. As a result Congress passed the Act of 3 March 1843 (5 Stat. 640) which authorized the President to "adopt and carry into effect the plan...agreed upon by a majority of...(the members of a special board of Coast Survey personnel)". The resulting plan approved by the President defined for the first time the form of the organization and duties of its officers and employees. It also contained the foundation for the extensive system of geodetic control works and magnetic observations which are in effect today.



Realizing the desirability for providing the widest distribution for the increasing volume of new "maps and charts of the surveys of the coast of the United States", Congress passed the Act of 3 June 1844 (5 Stat. 660) authorizing the sale of maps and charts "at such prices and under such regulations as may from time to time be fixed by the said Secretary of the Treasury" (emphasis added). The Secretary immediately established the sale prices, based on cost studies by the Superintendent of the Coast Survey, on all maps and charts then available, and established the present system of distribution through contract sales agents. Later the Act of 20 June 1878 (20 Stat. 216) established the present practice of sales of charts "at the price of printing and paper thereof...the average cost of delivery added thereto...(and limited free distribution) to the several States and officers of the United States requiring them for public use..." This form for determining sale prices for charts and free distribution was extended by the Act of 12 January 1895 (28 Stat. 620) to include authority for publication of reports, special publications, etc. "...in such editions as the interest of the Government and of the public may require".

Other pertinent legislation dealing with the sale and distribution of charts includes the Acts of 3 March 1879 (20 Stat. 216), 23 August 1912 (37 Stat. 391), 1 July 1916 (39 Stat. 320), 6 August 1947 (61 Stat. 787), 9 July 1956 (70 Stat. 512) and 14 August 1964 (78 Stat. 446). Distribution procedures, as they relate to reimbursement for charts requested by other government agencies for official use, were modified by the Appropriation Act dated 22 October 1951 (65 Stat. 589). Similar procedures to govern the distribution of charts to Federal agencies have been continued in the language of subsequent appropriation acts.

Other authorities utilized for the sale and distribution of nautical and aeronautical charts have been vested in the Secretary of Commerce, including the Act of 19 December 1942 (56 Stat. 1067) and the Act of 25 September 1970 (84 Stat. 864).

The Act of 3 March 1871 (16 Stat. 508) increased the geodetic responsibility of the Coast Survey for "extending the triangulation of the Coast survey so as to form a geodetic connection between the Atlantic and Pacific coasts of the United States... (and for the determination of) points in each State of the Union..." It was the apparent intention of this act that the establishment of points in each State would be undertaken on a cooperative basis. The practice of cooperative aid to the states in the fields of surveying and mapping by the Survey has continued to present.



As a result of its increased responsibilities under the Act of 3 March 1871 (16 Stat. 508), the Bureau became generally known as the "Coast and Geodetic Survey". The latter was first used in the Act of 20 June 1878 (20 Stat. 216) as the title of a section, but the subsections still used the name "Coast Survey". The first instance of the use of "Coast and Geodetic Survey" as the official Bureau name occurs in the Act of 28 June 1879 (21 Stat. 37) which provides that one member of the Mississippi River Commission shall be appointed from the Bureau. In a Joint Resolution of 5 February 1889 (25 Stat. 1019), accepting an invitation to become party to the International Geodetic Association, the Bureau was referred to for the first time as the "United States Coast and Geodetic Survey". This resolution provided that the United States representative should be a member of the Bureau. Other legislation in which the full title "United States Coast and Geodetic Survey" is used was passed from time to time, as follows: Act of 28 July 1892 (27 Stat. 283, 309), Joint Resolution of 23 July 1894 (28 Stat. 587), Act of 28 January 1898 (30 Stat. 235), Act of 3 March 1901 (31 Stat. 1018), and the Act of 4 March 1907 (34 Stat. 1322).

Except for a short period in the Navy Department during the administration of President Jackson, the Bureau carried on its activities under the supervision of the Secretary of the Treasury. However, upon the formation of the Department of Commerce and Labor by the Act of 14 February 1903 (32 Stat. 826), the Bureau was transferred to the new Department. The duties of the Bureau had remained unchanged, except for their wider scope occasioned by the purchase of Alaska, the annexation of the Hawaiian Islands, and the National acquisition, in 1899, of the Philippine and other Spanish Islands. When the Department of Commerce and Labor was separated into two departments by the Act of 4 March 1913 (37 Stat. 737), the Bureau remained in the Department of Commerce. Up to this time, the only new responsibilities assigned had been those of assisting the Fisheries Commissions of the States of Maryland, North Carolina, and Texas in special surveys related to the culture of shellfish.

For many years the Bureau had made a practice of maintaining seismographs at magnetic stations, in an attempt to determine the connection between earthquakes and magnetic anomalies. Seismograph records made available to seismologists proved to be so useful that the Congress by the Act of 31 January 1925 (43 Stat. 802) transferred the responsibility for all seismological investigations from the Weather Bureau to the Coast and Geodetic Survey. Although the authority to conduct seismological investigations still remains, the major effort in this field is presently accomplished by the Geological Survey, Department of the Interior, pursuant to an agreement among the Department of Commerce, the Department of the Interior and the National Science Foundation, dated May 27, 1973.

In 1926, Bureau functions were further enlarged by the Secretary of Commerce. The responsibility for charting airways and publishing maps of airways imposed upon the Secretary by the Commerce Act of 20 May 1926 (44 Stat. 568) was assigned to the Bureau by letter dated 24 July 1926. This Act, amended and revised, was eventually incorporated in the Civil Aeronautics Act of 1938 (52 Stat. 1026) and surveying, mapping, etc., of airways became the responsibility of the Administrator of the Civil Aeronautics Administration. Aeronautical charting activities originally carried on under the delegation of authority from the Secretary of Commerce were continued, by direction of the Civil Aeronautics Administrator, until CAA was transferred to the Department of Commerce by Reorganization Plan 4, effective 30 June 1940 (54 Stat. 1235), and, subsequently, to the Federal Aviation Agency by Act of 23 August 1958 (72 Stat. 806). Extensive cooperation continues with the FAA (redesignated the Federal Aviation Administration by Act of 15 October 1966 [80 Stat. 931]).

A lack of specific authority for basic activities acquired through the years by the Coast and Geodetic Survey resulted in the Act of 6 August 1947 (61 Stat. 788). This Act brought together under one title for the first time since the organic Act of 1807, the separate pieces of substantive legislation relating to the Coast and Geodetic Survey, and repealed five sections to title 56 revised statutes (1878) and six sections of chapter 17, title 33 U.S.C. (1926). However, even under the provisions of the Act of 6 August 1947, the activities of the Coast and Geodetic Survey were restricted to the coastal waters (including off-shore features), inland waters (not otherwise provided for by statute), and land areas of the United States, its territories and possessions. Through the Act of 5 April 1970 (74 Stat. 16), these geographical limitations were removed. Survey operations (including oceanographic, hydrographic and topographic) were now authorized in international waters, and within areas of foreign sovereignty when specifically approved or requested by the foreign government, and subject to all existing international agreements, treaties, and conventions.

Section 7 of the Act of 6 August 1947 had authorized the Secretary of Commerce "to accept gifts or bequests of money and other real and personal property for the purpose of aiding and facilitating the work of the Coast and Geodetic Survey..." Section 4(a)(2) of the Act of 2 October 1964 (78 Stat. 991), repealed this section and gave the Secretary of Commerce broader power to accept gifts and bequests "for the purpose of the Department of Commerce and other purposes".



In accordance with Presidential Reorganization Plan No. 2, of 1965 (79 Stat. 1318) the Environmental Science Services Administration was established effective July 13, 1965. Under the Reorganization Plan the Coast and Geodetic Survey became a major line component of the Environmental Science Services Administration and the previous functions of the Coast and Geodetic Survey were transferred to the new administration.

On October 3, 1970, Presidential Reorganization Plan No. 4 of 1970 (84 Stat. 2090) became effective and the National Oceanic and Atmospheric Administration was created. Under this Reorganization Plan the Environmental Science Services Administration was abolished and the duties and functions of the former Coast and Geodetic Survey were reassigned to a newly designated National Ocean Survey having the same functional responsibilities.

Today the National Ocean Survey participates actively in international cooperation programs authorized by Congress, including those authorized by the Act of May 25, 1938 (52 Stat. 442), the Act of 27 January 1948 (62 Stat. 6), the Act of June 5, 1950 (64 Stat. 198) and the Act of October 10, 1951 (65 Stat. 373). These programs as well as others require maintenance of liaison with the Agency for International Development, Department of State, the United Nations Educational Scientific and Cultural Organization and the International Civil Aviation Organization.

- 15 U.S.C. §1514 - Basic authority for performance of certain functions and activities of the Department - (authority for medical services, supplies and facilities for employees serving at remote locations and authority for motion picture equipment and film for recreation for crews of vessels).
- 20 U.S.C. §59 - National museum; collections of Coast and Geodetic Survey and Geological Survey.
- 20 U.S.C. §91 - Literary and scientific collections accessible to investigators and students.
- 31 U.S.C. §550 - Advances to Coast and Geodetic Survey - (authority for advances of money from available appropriations to chiefs of parties).
- 31 U.S.C. §661 - Appropriation for Coast and Geodetic; purchases from - (authority for purchase of provisions, clothing, small stores and food supplies for field parties).
- 33 U.S.C. §642 - Appointment of commissioners; vacancies; chairman; tenure of office - (appointment of a member of the Coast and Geodetic Survey to the Mississippi River Commission).
- 33 U.S.C. §647 - Mississippi River survey - (authority to detail officers, men and equipment as needed to survey the Mississippi River).
- 33 U.S.C. §702e - Same; maps for project; preparation - (authority for use of services of Coast and Geodetic Survey in the preparation of maps for flood control).
- 33 U.S.C. §883a - Surveys and other activities - (basic authority for all survey work).
- 33 U.S.C. §883b - Dissemination of data: further activities - (basic authority for compilation and printing of nautical and aeronautical charts).



- 33 U.S.C. §883c - Geomagnetic data: collection, correlation and dissemination.
- 33 U.S.C. §883d - Improvement of methods, instruments, and equipments; investigations and research.
- 33 U.S.C. §883e - Cooperative agreements for surveys and investigations - (basic authority for cooperative surveying activities with states, public or private organizations, or individuals).
- 33 U.S.C. §883f - Contracts with qualified organizations.
- 33 U.S.C. §883h - Employment of public vessels.
- 33 U.S.C. §883i - Appropriations - (authority for appropriations necessary for vessel and facility maintenance and construction and operation).
- 33 U.S.C. §884 - Power to use books, maps, etc., and to employ persons.
- 33 U.S.C. §888 - Reports to Congress on expenditures.
- 43 U.S.C. 1801-1845 - Require the Secretary to conduct a two-year survey of obstructions on the OCS which could pose hazards to commercial fishing.
- 44 U.S.C. §1308 - National Oceanic and Atmospheric Administration charts; sales and distribution.
- 44 U.S.C. §1310 - Commerce Department: navigation and weather information.
- 50 U.S.C. §81 - Military surveys and maps; assistance of mapping agencies of government - (authorization for Secretary of the Army to secure assistance of United States Coast and Geodetic Survey).
- 50 U.S.C. §552 - Persons subject to this chapter (Article II) - (authority to subject personnel of Coast and Geodetic Survey to the Uniform Code of Military Justice while such personnel are assigned to and serving with the Armed Forces of the United States).

## National Weather Service

During the War of 1812, Dr. James Tilton, the Surgeon General of the Army, ordered the first government collection of weather observations. Hospital surgeons were directed to observe the weather and maintain climatological records.

In 1849, Professor Joseph Henry of the Smithsonian Institution established an extensive observation network by supplying weather instruments to telegraph companies. Simultaneous observations were made by local telegraph operators and sent to the Smithsonian. Maps prepared from these observations were displayed in Washington, D.C.

In 1869, Congressman H.E. Paine of Wisconsin introduced a bill for the establishment of a national service under the Secretary of War. The bill, as House Joint Resolution 143, which was signed by the President on February 9, 1870, authorized the Secretary of War to take observations at military stations and to warn of storms on the Great Lakes and on the Atlantic and Gulf Coasts. The weather operations were placed under Signal Service.

In 1884, Congress appointed a Joint Commission to review the scientific work of the Government. The report of the Commission as issued in 1886 stated that the weather service did not belong in the military, but should be considered as a civil activity because of its nature and character.

The Act of October 1, 1890 (26 Stat. 653) created the U.S. Weather Bureau in the Department of Agriculture by the transfer of meteorological functions from the Army Signal Corps.

On June 30, 1940, the Weather Bureau was transferred from the Department of Agriculture to the Department of Commerce by Reorganization Plan No. 4 of 1940 (effective June 30, 1940, 5 F.R. 2421, 54 Stat. 1236).

Reorganization Plan No. 2 of 1965 (effective July 13, 1965, 30 F.R. 8819, 79 Stat. 1318) consolidated the Weather Bureau with the Coast and Geodetic Survey to form a new agency in the Department of Commerce to be known as the Environmental Science Services Administration (ESSA). The Office of the Chief of the Weather Bureau was abolished by Reorganization Plan No. 2. All functions of the Bureau, the Chief of the Bureau, and the officers, employees, and organizational entities of the Bureau were transferred to the Secretary of Commerce.

ESSA was abolished by Reorganization Plan No. 4 of 1970 (effective October 3, 1970, 35 F.R. 15627, 84 Stat. 2090) which created the National Oceanic and Atmospheric Administration (NOAA) in the Department of Commerce. The Weather Bureau was transferred to NOAA and later renamed the National Weather Service.

## National Weather Service

### Authority of the Secretary of Commerce to Acquire, Establish, and Construct Airport Property and Airway Property in Foreign Territories

49 U.S.C. 1151

The Act provides, under Chapter 15 of Title 49, United States Code (International Aviation Facilities Act; Federal Aviation Act of 1958) for the Secretary of Transportation and the Secretary of Commerce, within their respective fields, to acquire, establish, and construct airport property and airway property in foreign territory (sec. 1152); to train foreign national in aeronautical and related subjects (sec. 1153); to accept foreign funds as payment for facilities supplied or services rendered to foreign governments or international organizations (sec. 1154); and to transfer airport or airway property to foreign governments or international organizations (sec. 1155). Section 1157 authorizes the transfer of certain property from the Department of Defense to the Secretary of Transportation or the Secretary of Commerce.

62 Stat. 450  
63 Stat. 591  
72 Stat. 808  
88 Stat. 2102

Act of June 16, 1948  
Act of August 10, 1949  
Act of August 23, 1958  
Act of January 3, 1975



National Weather Service

Cooperation between the Department of Commerce and the  
Department of Transportation (Coast Guard) concerning  
weather reporting

14 U.S.C. 147

This Act recognizes the close cooperation which has prevailed for years between the Department of Commerce and the U.S. Coast Guard concerning weather reporting. Specifically, this section provides that the Commandant of the Coast Guard may cooperate with the Department of Commerce by procuring, maintaining, and making available, facilities and assistance for observing, investigating, and communicating weather phenomena and for disseminating weather data, forecasts and warnings, upon mutually satisfactory terms as agreed to by the Coast Guard and the Department of Commerce.

63 Stat. 507

Act of August 4, 1949



## National Weather Service

### Cooperative Agreements

7 U.S.C. 450(b)

In 1890, the Weather Bureau was established within the Department of Agriculture. In 1919, the Congress expressly authorized the Department of Agriculture to carry out cooperative agreements with state, county, and municipal agencies and various private organizations by enacting the Act of July 24, 1919, which is still in effect and is presently codified as 7 U.S.C. 450(b). The Department of Agriculture exercised this cooperative agreement authority with respect to Weather Bureau functions during the time that the Weather Bureau was in that Department. When Reorganization Plan No. 4 of 197- transferred the Weather Bureau from the Department of Agriculture to the Department of Commerce, this cooperative authority was also transferred to the Secretary of Commerce.

41 Stat. 270

Act of July 24, 1919

15 U.S.C. 1525

This Act authorizes, among other things, the Secretary of Commerce, in the case of non-profit organizations, research organizations, or public organizations or agencies, to engage in joint projects, or perform services, on matters of mutual interest, the cost of which shall be apportioned equitably, as determined by the Secretary. The Secretary may waive payment of any portion of such costs by others, when authorized to do so under regulations approved by the Office of Management and Budget.

84 Stat. 864

Public Law 91-412

Act of Sept. 25, 1970

## National Weather Service

### False Weather Reports

18 U.S.C. 2074

The Weather Bureau shall have charge of forecasting the weather, the issue of storm warnings, the display of weather and flood signals.

This Act provides that whoever knowingly issues or publishes any counterfeit weather forecast or warning of weather conditions falsely representing such forecast or warning to have been issued or published by the Secretary of Commerce or other branch of the Government service, shall be fined not more than \$500 or imprisoned not more than ninety days, or both.

62 Stat. 795

Act of June 25, 1948

National Weather Service

Federal Aviation Act -- Duties of the Secretary of Commerce  
Concerning Air Navigation

49 U.S.C. 1463

Title VIII, section 803 of the Act provides that in order to promote safety and efficiency in air navigation, the Secretary of Commerce shall, in addition to any other functions or duties pertaining to weather information for other purposes, (1) make such observations, measurements, investigations, and studies of atmospheric phenomena, and establish such meteorological offices and stations for ascertaining, in advance, information concerning probable weather conditions; (2) furnish such reports, forecasts, warnings and advice to the Secretary of Transportation and other persons; (3) cooperate with persons engaged in air commerce and in meteorological service, establish and maintain reciprocal arrangements, and collect and disseminate weather reports available from aircraft in flight; (4) establish and coordinate international exchanges of meteorological information required for the safety and efficiency of air navigation; (5) participate in the development of an international basic meteorological reporting network including stations on the high seas in polar regions and in foreign countries; (6) coordinate meteorological requirements in the United States in order to maintain standard observations; and (7) promote and develop meteorological science and foster and support research projects in meteorology through the utilization of private and governmental research facilities and provide for the publication of the results of such research projects.

72 Stat. 783

Act of August 23, 1958

National Weather Service

Federal Property and Administrative Services Act

40 U.S.C. 474 (14)

This Act provides that nothing in the Federal Property and Administrative Services Act shall impair or affect any authority of the Secretary of Transportation or the Secretary of Commerce with respect to the disposal of airport property and airway property for use as such property.

63 Stat. 401  
72 Stat. 808

Act of June 30, 1949  
Act of August 23, 1958



## National Weather Service

### Flood Control Act of 1938 and 1954

33 U.S.C. 706

The Act of 1938 authorized the Chief of the Weather Bureau to establish, operate, and maintain precipitation observing stations and provide a flood-warning service.

The Act of 1954 authorized an expenditure as required, from any appropriations made for flood control, rivers and harbors, and related purposes by the United States for the establishment, operation, and maintenance by the Department of Commerce of a network of recording and non-recording precipitation stations, known as the Hydroclimatic Network whenever such service is advisable.

52 Stat. 1266  
68 Stat. 1266

Act of June 28, 1938  
Act of September 3, 1954

National Weather Service

Meteorological Service

49 U.S.C. 1351

This Act empowers and directs the Secretary of Transportation to make recommendations to the Secretary of Commerce for providing meteorological service necessary for the safe and efficient movement of aircraft in air commerce. It requires the Secretary of Commerce, in providing such meteorological services, to cooperate with the Secretary of Transportation and give full consideration to such recommendations.

72 Stat. 751

Act of August 23, 1958

## National Weather Service

### "Organic Act" of the National Weather Service

15 U.S.C. 311

This Act provides the basic authority of the National Weather Service originating from the Act of October 1, 1890, which created the U.S. Weather Bureau in the Department of Agriculture. Section 311 provides for the establishment of the "Weather Bureau" in the Department of Commerce. Section 313 sets forth the statutory duties of the Secretary of Commerce (as delegated to the Director, National Weather Service) to forecast the weather; issue storm warnings; display weather and flood signals for the benefit of agriculture, commerce, and navigation; collect and transmit marine intelligence for the benefit of commerce and navigation; report temperature and rainfall conditions; and take such meteorological observations to establish and record the climatic conditions of the United States.

In addition, the Act provides for the establishment of meteorological observation stations in the Arctic region. Other sections of the Act include the Chief and employees; promotions; changes or assignment to duty of personnel; weather signals on mail cars; appointment and compensation for employees conducting meteorological investigations in the Arctic region; and transfer from other Government departments of surplus equipment and supplies for Arctic stations.

26 Stat. 653	Act of October 1, 1890
28 Stat. 737	Act of March 2, 1895
29 Stat. 108	Act of April 25, 1896
30 Stat. 752	Act of July 8, 1898
44 Stat. 571	Act of May 20, 1926
57 Stat. 301	Act of July 1, 1943
60 Stat. 4	Act of February 12, 1946
62 Stat. 286	Act of June 2, 1948
74 Stat. 11	Act of March 28, 1960
78 Stat. 491	Act of August 10, 1964

National Weather Service

Study of Thunderstorms and Atmospheric Disturbances;  
Reports; Expenditures; Cooperation of Other Departments

15 U.S.C. 313

This Act authorizes and directs the Secretary of Commerce to study fully and thoroughly the internal structure of thunderstorms, hurricanes, cyclones, and other severe atmospheric disturbances with a view to establishing methods by which the characteristics of particular thunderstorms may be forecast and methods by which the characteristics of such storms may be determined on visual observation from outside the immediate thunderstorm area.

62 Stat. 470

Public Law 80-657

Act of June 16, 1948



National Weather Service

U.S. Naval Oceanographic Office; Pilot Charts

10 U.S.C. 7393

This Act provides that pilot charts prepared in the U.S. Naval Oceanographic Office shall bear conspicuous language indicating that the charts have been prepared from data furnished by the U.S. Naval Oceanographic Office and the Department of Commerce and published under authority of the Secretary of the Navy.

The Department of Commerce shall furnish to the U.S. Naval Oceanographic Office meteorological information received by the Department of Commerce to be used in preparation of the charts.

70 Stat. 456  
76 Stat. 154

Act of August 10, 1956  
Act of July 10, 1962

## National Earth Satellite Service

Following the launch of the first USSR Sputnik in October 1957, the development of the TIROS weather satellite was initiated by the Department of Defense. In the spring of 1959, the program was transferred to the newly created NASA. The first TIROS was launched successfully on April 1, 1960. Within a few days, operational use was being made by the Weather Bureau and military weather services of its pictures from space.

Based on the outstanding success of the TIROS satellite, NASA, DOD, FAA, and DOC agreed on October 10, 1960, that it was time to consider plans for a national operational meteorological satellite system and established the interagency Panel on Operational Meteorological Satellites (POMS) to draw up a plan. The POMS produced its final report in April 1961. This report was endorsed by all of the participating agencies and was forwarded to President Kennedy.

The President accepted the recommendations in the POMS report and, in his special message delivered in person before the joint session of Congress on May 25, 1961, asked the Congress to provide "an additional \$75 million - of which \$53 million is for the Weather Bureau - (which) will help give us at the earliest possible time a satellite system for world-wide weather observations." The first appropriation to the DOC-Weather Bureau for an operational meteorological weather satellite system was included in Public Law 87-332 of September 30, 1961, making supplemental appropriations as requested by the President for the fiscal year ending June 30, 1962. No enabling legislation was considered necessary, because the U.S. Weather Bureau already had authorizing legislation which included observing the weather without restriction. Each subsequent annual budget submission has contained language justifying a continuation of the operational Metsat program.

The Federal organization began as the Meteorological Satellite Laboratory, was later called the Meteorological Satellite Activities, and finally the National Weather Satellite Center, all under the U.S. Weather Bureau between 1958 and 1965. When the Environmental Science Services Administration was established in May 1965, the unit was separated from the U.S. Weather Bureau and was called the National Environmental Satellite Center. It was later changed to the National Environmental Satellite Service. NESS became a Major Program Element under the Office of Oceanic and Atmospheric Services with the establishment of NOAA in October 1970. NESS was upgraded to a Major Line Component in August 1980, and its name changed to National Earth Satellite Service, under the Assistant Administrator for Satellites, as a result of the assignment of the Landsat mission by Presidential Directive 54. Authorizing legislation for Landsat in NOAA has not yet been passed by Congress.

## REORGANIZATION PLAN NO. 3 OF 1950

Transmitted March  
13, 1950.  
Effective May 24,  
1950.  
63 Stat. 203.  
5 U. S. C., Sup. III,  
§ 1333 note.

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1950, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949.

### DEPARTMENT OF THE INTERIOR

**SECTION 1. *Transfer of functions to the Secretary.***—(a) Except as otherwise provided in subsection (b) of this section, there are hereby transferred to the Secretary of the Interior all functions of all other officers of the Department of the Interior and all functions of all agencies and employees of such Department.

5 U. S. C. § 1001  
note; Sup. III, § 1001  
et seq.

(b) This section shall not apply to the functions vested by the Administrative Procedure Act (60 Stat. 237) in hearing examiners employed by the Department of the Interior, nor to the functions of the Virgin Islands Corporation or of its board of directors or officers.

**SEC. 2. *Performance of functions of Secretary.***—The Secretary of the Interior may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of the Interior of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

**SEC. 3. *Assistant Secretary of the Interior.***—There shall be in the Department of the Interior one additional Assistant Secretary of the Interior, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall perform such duties as the Secretary of the Interior shall prescribe, and who shall receive compensation at the rate prescribed by law for Assistant Secretaries of Executive departments.

**SEC. 4. *Administrative Assistant Secretary.***—There shall be in the Department of the Interior an Administrative Assistant Secretary of the Interior, who shall be appointed, with the approval of the President, by the Secretary of the Interior under the classified civil service, who shall perform such duties as the Secretary of the Interior shall prescribe, and who shall receive compensation at the rate of \$14,000 per annum.

**SEC. 5. *Incidental transfers.***—The Secretary of the Interior may from time to time effect such transfers within the Department of the Interior of any of the records, property, personnel, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of such Department as he may deem necessary in order to carry out the provisions of this reorganization plan.



REORGANIZATION PLAN NO. 5 OF 1950<sup>1</sup>

Approved by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1950, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949.

Transmitted March 13, 1950.  
Effective May 24, 1950.  
63 Stat. 703.  
5 U. S. C., Sup. III, § 1332 note.

## DEPARTMENT OF COMMERCE

**SECTION 1. *Transfer of functions to the Secretary.***—(a) Except as otherwise provided in subsection (b) of this section, there are hereby transferred to the Secretary of Commerce all functions of all other officers of the Department of Commerce and all functions of all agencies and employees of such Department.

(b) This section shall not apply to the functions vested by the Administrative Procedure Act (60 Stat. 237) in hearing examiners employed by the Department of Commerce, nor to the functions of the Civil Aeronautics Board, of the Inland Waterways Corporation, or of the Advisory Board of the Inland Waterways Corporation.

5 U. S. C. § 1001  
note; Sup. III, § 1601  
et seq.

**SEC. 2. *Performance of functions of Secretary.***—The Secretary of Commerce may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of Commerce of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

**SEC. 3. *Administrative Assistant Secretary.***—There shall be in the Department of Commerce an Administrative Assistant Secretary of Commerce, who shall be appointed, with the approval of the President, by the Secretary of Commerce under the classified civil service, who shall perform such duties as the Secretary of Commerce shall prescribe, and who shall receive compensation at the rate of \$14,000 per annum.

**SEC. 4. *Incidental transfers.***—The Secretary of Commerce may from time to time effect such transfers within the Department of Commerce of any of the records, property, personnel, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of such Department as he may deem necessary in order to carry out the provisions of this reorganization plan.



## Reorganization Plan No. 4 of 1970

Transmitted  
July 9, 1970.  
Effective  
October 3, 1970.  
80 Stat. 393.

*Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, July 9, 1970, pursuant to the provisions of chapter 9 of title 5 of the United States Code.*

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SECTION 1. *Transfers to Secretary of Commerce.* The following are hereby transferred to the Secretary of Commerce:

(a) All functions vested by law in the Bureau of Commercial Fisheries of the Department of the Interior or in its head, together with all functions vested by law in the Secretary of the Interior or the Department of the Interior which are administered through that Bureau or are primarily related to the Bureau, exclusive of functions with respect to (1) Great Lakes fishery research and activities related to the Great Lakes Fisheries Commission, (2) Missouri River Reservoir research, (3) the Gulf Breeze Biological Laboratory of the said Bureau at Gulf Breeze, Florida, and (4) Trans-Alaska pipeline investigations.

(b) The functions vested in the Secretary of the Interior by the Act of September 22, 1959 (Public Law 86-359, 73 Stat. 642, 16 U.S.C. 760e-760g; relating to migratory marine species of game fish).

(c) The functions vested by law in the Secretary of the Interior or in the Department of the Interior or in any officer or instrumentality of that Department, which are administered through the Marine Minerals Technology Center of the Bureau of Mines.

(d) All functions vested in the National Science Foundation by the National Sea Grant College and Program Act of 1966 (80 Stat. 998), as amended (33 U.S.C. 1121 et seq.). -

(e) Those functions vested in the Secretary of Defense or in any officer, employee, or organizational entity of the Department of Defense by the provision of Public Law 91-144, 83 Stat. 326, under the heading "Operation and maintenance, general" with respect to "surveys and charting of northern and northwestern lakes and connecting waters," or by other law, which come under the mission assigned as of July 1, 1969, to the United States Army Engineer District, Lake Survey, Corps of Engineers, Department of the Army and relate to (1) the conduct of hydrographic surveys of the Great Lakes and their outflow rivers, Lake Champlain, New York State Barge Canals, and the Minnesota-Ontario border lakes, and the compilation and publication of navigation charts, including recreational aspects, and the Great Lakes Pilot for the benefit and use of the public, (2) the conception, planning, and conduct of basic research and development in the fields of water motion, water characteristics, water quantity, and ice and snow, and (3) the publication of data and the results of research projects in forms useful to the Corps of Engineers and the public, and the operation of a Regional Data Center for the collection, coordination, analysis, and the furnishing to interested agencies of data relating to water resources of the Great Lakes.

(f) So much of the functions of the transferor officers and agencies referred to in or affected by the foregoing provisions of this section as is incidental to or necessary for the performance by or under the Secretary of Commerce of the functions transferred by those provisions or relates primarily to those functions. The transfers to the Secretary of Commerce made by this section shall be deemed to include the transfer of authority, provided by law, to prescribe regulations relating primarily to the transferred functions.



SEC. 2. *Establishment of Administration.* (a) There is hereby established in the Department of Commerce an agency which shall be known as the National Oceanic and Atmospheric Administration, hereinafter referred to as the "Administration."

(b) There shall be at the head of the Administration the Administrator of the National Oceanic and Atmospheric Administration, hereinafter referred to as the "Administrator." The Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314).

80 Stat. 460;  
83 Stat. 864.

(c) There shall be in the Administration a Deputy Administrator of the National Oceanic and Atmospheric Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). The Deputy Administrator shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

(d) There shall be in the Administration an Associate Administrator of the National Oceanic and Atmospheric Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316). The Associate Administrator shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator and Deputy Administrator. The office of Associate Administrator may be filled at the discretion of the President by appointment (by and with the advice and consent of the Senate) from the active list of commissioned officers of the Administration in which case the appointment shall create a vacancy on the active list and while holding the office of Associate Administrator the officer shall have rank, pay, and allowances not exceeding those of a vice admiral.

"(e) (1) There shall be in the Administration a General Counsel and five Assistant Administrators, one of whom shall be the Assistant Administrator for Coastal Zone Management and one of whom shall be the Assistant Administrator for Fisheries. The General Counsel and each Assistant Administrator shall be appointed by the Secretary, subject to approval of the President, and shall be compensated at a rate now or hereafter provided for level V of the Executive Schedule Pay Rates (5 U.S.C. 5316).

"(2) The General Counsel shall serve as the chief legal officer for all legal matters which may arise in connection with the conduct of the functions of the Administration.

The Assistant Administrator for Coastal Zone Management shall be an individual who is, by reason of background and experience, especially qualified to direct the implementation and administration of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

"(4) The Assistant Administrator for Fisheries shall be responsible for all matters related to living marine resources which may arise in connection with the conduct of the functions of the Administration."

(2) Subsection (a) of section 15 of the Coastal Zone Management Act Amendments of 1976 (15 U.S.C. 1511a) is repealed.

(b) Section 5316 of title 5, United States Code, is amended by striking out paragraph (140) and inserting in lieu thereof the following new paragraphs:

"(140) Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration.

"(141) Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.

"(142) Assistant Administrators (3), National Oceanic and Atmospheric Administration.

"(143) General Counsel, National Oceanic and Atmospheric Administration."

(c) Section 5103(a) of title 5, United States Code, is amended by striking out "3293" and inserting in lieu thereof "3301".



(f) The President may appoint in the Administration, by and with the advice and consent of the Senate, two commissioned officers to serve at any one time as the designated heads of two principal constituent organizational entities of the Administration, or the President may designate one such officer as the head of such an organizational entity and the other as the head of the commissioned corps of the Administration. Any such designation shall create a vacancy on the active list and the officer while serving under this subsection shall have the rank, pay, and allowances of a rear admiral (upper half).

(g) Any commissioned officer of the Administration who has served under (d) or (f) and is retired while so serving or is retired after the completion of such service while serving in a lower rank or grade, shall be retired with the rank, pay, and allowances authorized by law for the highest grade and rank held by him; but any such officer, upon termination of his appointment in a rank above that of captain, shall, unless appointed or assigned to some other position for which a higher rank or grade is provided, revert to the grade and number he would have occupied had he not served in a rank above that of captain and such officer shall be an extra number in that grade.

5 USC app.

SEC. 3. *Performance of transferred functions.* The provisions of sections 2 and 4 of Reorganization Plan No. 5 of 1950 (64 Stat. 1263) shall be applicable to the functions transferred hereunder to the Secretary of Commerce.

SEC. 4. *Incidental transfers.* (a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Secretary of Commerce by this reorganization plan as the Director of the Office of Management and Budget shall determine shall be transferred to the Department of Commerce at such time or times as the Director shall direct.

(b) Such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the transfers referred to in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(c) The personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of the Environmental Science Services Administration shall become personnel, property, records, and unexpended balances of the National Oceanic and Atmospheric Administration or of such other organizational entity or entities of the Department of Commerce as the Secretary of Commerce shall determine.

(d) The Commissioned Officer Corps of the Environmental Science Services Administration shall become the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration. Members of the Corps, including those appointed hereafter, shall be entitled to all rights, privileges, and benefits heretofore available under any law to commissioned officers of the Environmental Science Services Administration, including those rights, privileges, and benefits heretofore accorded by law to commissioned officers of the former Coast and Geodetic Survey.

(e) Any personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of the Bureau of Commercial Fisheries not otherwise transferred shall become personnel, property, records, and unexpended balances of such organizational entity or entities of the Department of the Interior as the Secretary of the Interior shall determine.

SEC. 5. *Interim officers.* (a) The President may authorize any person who immediately prior to the effective date of this reorganization plan held a position in the executive branch of the Government to act as Administrator until the office of Administrator is for the first time filled pursuant to provisions of this reorganization plan or by recess appointment, as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Administrator and authorize any such person to act as Associate Administrator.

(c) The President may similarly authorize a member of the former Commissioned Officer Corps of the Environmental Science Services Administration to act as the head of one principal constituent organizational entity of the Administration.

(d) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the office in respect of which he so serves. Such compensation, if authorized, shall be in lieu of, but not in addition to, other compensation from the United States to which such person may be entitled.

SEC. 6. *Abolitions.* (a) Subject to the provisions of this reorganization plan, the following, exclusive of any functions, are hereby abolished:

(1) The Environmental Science Services Administration in the Department of Commerce (established by Reorganization Plan No. 2 of 1965, 79 Stat. 1318), including the offices of Administrator of the Environmental Science Services Administration and Deputy Administrator of the Environmental Science Services Administration.

5 USC app.

(2) The Bureau of Commercial Fisheries in the Department of the Interior (16 U.S.C. 742b), including the office of Director of the Bureau of Commercial Fisheries.

70 Stat. 1120.

(b) Such provisions as may be necessary with respect to terminating any outstanding affairs shall be made by the Secretary of Commerce in the case of the Environmental Science Services Administration and by the Secretary of the Interior in the case of the Bureau of Commercial Fisheries.



## TRANSFER OF FUNCTIONS

The Bureau of Commercial Fisheries in the Department of the Interior and the Office of Director of the Bureau were abolished by Reorganization Plan No. 4 of 1970, effective October 3, 1970. 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees, which created the National Oceanic and Atmospheric Administration in the Department of Commerce and transferred to the Secretary of Commerce all functions formerly vested by law in the Bureau together with all functions formerly vested in the Secretary of the Interior or the Department of the Interior administered through the Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir Research, the Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigation. Such Reorganization Plan also transferred the marine sport fish program of the Bureau of Sport Fisheries and Wildlife.

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of such Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorganization Plan No. 3, section 1, 2, effective May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.



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